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Monday
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Transportation Department

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Parts 1822 and 1944

Rural Rental Housing Loans

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations concerning rural rental housing loans. The action is taken because of changes in the administration of the program and the need to eliminate certain requirements in the regulations which are no longer appropriate and whose continued applicability impedes the efficient administration of the program. It is also taken to strengthen the Agency's mission of rural development and strengthen Agency efforts to assist distressed communities and rural areas which have significant populations of poor and disadvantaged persons. The intended effects are to clarify and update the regulations and provide needed instruction to FmHA field staff in processing rural rental housing preapplications.

EFFECTIVE DATE: December 13, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Booker Reaves, Senior Loan Officer, Multi-Family Housing Processing Division, Room 5337, Farmers Home Administration, USDA, South Agriculture Building, 14th St. and Independence Avenue, SW, Washington, DC 20250, Telephone 202–382–1604.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in Secretary's Memorandum 1512–1 which implements Executive Order 12291, and has been determined "not major". It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivitiy, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This action is taken in reply to findings and recommendations of the general public and FmHA field and National Office staffs which require that certain changes be made to the rural rental housing regulations as soon as possible to protect the integrity of the program and to provide verification of proper use of Federal funds to meet more effectively the needs of the primary beneficiaries of the program. This action also implements certain Congressional requirements established in the Housing and Community Development Amendments Act of 1980, which were effective on the ratification of the Act in October 1980.

There is no impact on proposed budget levels, and funding allocations will not be affected because of this action. FmHA has determined that the alternative chosen in issuing this regulation maximizes net benefit to society at the lowest net cost.

This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statements". It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

The FmHA programs and projects which are affected by this instruction are subject to state and local clearinghouse review in the manner delineated in FmHA Instruction 1901–H.

This regulation is listed in the CFDA under 10.415, Rural Rental Housing Loans.

On February 24, 1982, FmHA published in the **Federal Register** (47 FR 8016) a notice of proposed rulemaking setting forth the proposed changes in the regulations. Interested parties were given the opportunity to submit, not later than April 26, 1982, any comments, views, or recommendations regarding the proposed changes.

During the public comment period 35 individuals and organizations submitted comments. Two additional comments were received shortly after the closing date.

The final rule contains revisions to the proposed rule which reflect FmHA's consideration of the comments received as well as other information available to FmHA. The final regulations also reflect recent experiences between borrowers and the FmHA staff at the District, State and National levels. The following is a discussion of the comments received and the significant changes made:

Section 1944.205(k). This section has been revised to incorporate archeological and environmental fees and charges into the definition. Also, it has been clarified that formation or incorporation fees and charges for limited profit basis and profit basis applicants are not allowed.

Section 1944.212(l). This section has been revised to incorporate archeological and environmental fees and charges into the definition. Also, it has been clarified that formation or incorporation fees and charges for nonprofit basis applicants may be authorized.

Section 1944.213(b)(16). Several comments were received requesting that carports be excluded from the nonessentials list. It was mentioned that in some towns zoning requires carports or covered parking. After reviewing these isolated comments, it was decided that providing this type of amenity in low-income housing is not consistent with the policy of providing modest cost housing.

Section 1944.231. This section generated the greatest degree of interest and concern. All of the comments reflected confusion as to when ranking would take place. Most were displeased to see the concept of set ranking periods dropped, feeling that the new approach would give undue priority to the "first come" applicants. Although it is true that a certain advantage for "first come" applicants will exist when the new procedure is initially implemented, thereafter the rolling ranking process will give priority based solely on points. Administratively, the new procedure

will alleviate the added burden that took place twice a year under the old system. Therefore, to clarify all confusion the entire Section is revised.

Section 1944.231 (b)(3). Several comments were received on the ranking system. These comments ranged from suggestions to change the format to requests to give points for State Director discretion. The following is a summary of the comments on this section:

Substandard Housing—All comments were supportive, but suggested a change in format for clarity which was implemented.

Per Capita Income—All comments proposed a new or different scale for awarding points in this category. All were in favor of lowering the percentage required to receive 30 points and four out of five comments suggested that no points should be awarded for areas with 100 percent or more of per capita income. We concurred with the concept of these comments and adjusted the point spread accordingly.

RRH Projects in Area—It was suggested that it would be unfair to withhold points from a community that needs a particular type of housing (elderly or family), because it already has the opposite type (elderly or family). Accordingly, the points were revised to reflect the housing needs of the community. The reference in this section to FmHA rental housing projects is changed to incorporate any subsidized rental housing project.

Projects Assured of Having Some Form of Deep Rental Subsidy—There were two comments pertaining to deep rental subsidies. It was suggested and accepted to preserve some points for deep rental subsidies.

Projects for Elderly Housing—The elderly population of rural America is the most economically disadvantaged and has the lowest income. Most elderly families are single member households on fixed incomes, far below median income. For these reasons and due to the large proportion of rural elderly living in substandard housing, it has been decided that a preference for elderly housing is needed.

Section 1944.235(b). Several comments were received requesting clarification of this section. The section has been clarified by eliminating prohibitions on transfers of obligation and only listing the instances when it is permissible to make a transfer.

Section 1944.237. This section has been revised to clarify that subsequent loans can be used to improve and/or expand a project. It has also been revised to clarify how any excess funds from the initial investment on the original loan may be applied to the subsequent loan.

Exhibit A–6, paragraph 1.(a) has been rewritten for clarity.

The FmHA amends Subpart E of Part 1944, Chapter XVIII, Title 7, Code of Federal Regulations. The specific revisions to the regulation are as follows:

1. Section 1944.205(f)(5) is added to define what constitutes an eligible tenant in a cooperative type rental housing project.

2. Section 1944.205(j) is revised to clarify the definition of project.

3. Section 1944.205(k) is revised to clarify eligible legal, professional and technical services and fees.

4. Section 1944.211(a)(1) is revised to clarify the eligibility of American Indian tribes as eligible program applicants in accordance with the Housing and Community Development Amendments Act of 1980.

5. Section 1944.211(a)(5)(iii) is revised to clarify when a borrower's initial two percent operating capital can be returned after two years.

6. Section 1944.212(b) is revised to permit the purchase and rehabilitation of existing buildings.

7. Section 1944.212(c) is renumbered and revised to indicate that existing buildings needing major rehabilitation is an eligible loan purpose and paragraphs (d) through (q) are renumbered (e) through (r) respectively.

8. Section 1944.212 (1) is rvised to clarify legal, technical, and professional services and fees which can be paid from loan funds.

9. Section 1944.213(b)(16) is added to prohibit loans for nonessential facilities.

10. Section 1944.215(a)(9) is added to require accessibility to physically handicapped.

11. Section 1944.215(e)(4) is removed.

12. Section 1944.215(q)(5) is added to clarify what action is to be taken with a rural rental housing preapplication when the area in which the property is located changes from an FmHA eligibility determination of rural to nonrural.

13. Section 1944.221 is renumbered as paragraph (a).

14. Section 1944.221(b) is revised to require a financing statement and a security agreement pledging all revenue from the respective rural rental housing project.

15. Section 1944.222(m) is revised to clarify who must submit Form HUD–2530/FmHA 1944–37, "Previous Participation Certification."

16. Section 1944.231 is revised.

17. Section 1944.232(d)(2) is revised to include the requirement of Form FmHA 440–25, "Financing Statement."

18. Section 1944.235(b) is revised to define under what conditions it is permissible to transfer an obligation of funds. Paragraphs (b) through (h) have been renumbered (c) through (i).

19. Section 1944.237 is revised to clarify the meaning of subsequent RRH loan and has been renumbered to paragraph (a).

20. Section 1944.237(b) is added to clarify under what conditions a subsequent rural rental housing or rural cooperative housing loan can be made to an existing borrower in a nonrural area.

21. Section 1944.237 (c) and (d) are added to clarify when the initial five percent borrower contribution and the initial two percent operation and maintenance funds are needed in the case of a subsequent loan.

22. Exhibit A–6, paragraph 1 a, is revised to clarify the certification statement that members of a borrower entity must provide to FmHA in regards to their financial statement in cases where the FmHA loan has been closed.

23. Exhibit A–6, paragraph 1 g, is revised to clarify when Form HUD 2530/FmHA 1944–37, "Previous Participation Certification," is required of program participants.

24. Exhibit A–6, paragraph 2 is revised to require a complete market analysis or survey with the preapplication instead of at the application stage.

25. Exhibit A–7, paragraph 5, is revised to clarify when a new market analysis or survey would be required in the application stage.

26. Exhibit A–7, paragraph 6, is revised to specify requirement for Affirmative Fair Marketing Plan.

27. Exhibit A–7, paragraph 7, is revised to clarify under what conditions a new financial statement will be required of the applicant at the application stage.

28. In Exhibit B, paragraph VI A is revised to conform with Subpart C of Part 1930 of this Chapter.

29. Exhibit B, paragraph VI C2, is revised to clarify how to treat vacancies under multiple advances when all construction is not complete and the borrower desires to execute the Interest Credit Agreement.

30. In Exhibit B, paragraph VI D is revised to indicate the requirement for new Form HUD 50059, "Certification and Recertification of Tenant Eligibility."

31. In Exhibit C, paragraph VII E is revised to refer to the lease requirements of paragraph VII of Exhibit B to Subpart C of Part 1930.

32. In Exhibit C, a new paragraph IX B 4 is added to indicate the terms for the renewal of rental assistance agreements.

33. Exhibit C, paragraph X A 1 c is removed.

34. Exhibit C, paragraph X C 2 is removed, and existing paragraphs X C 3, 4 and 5 are renumbered X C 2, 3 and 4 respectively. Paragraph X C 2 has been revised by adding "or renewal" in the heading of the paragraph and in the first sentence between the words "initial" and "request". Paragraph X C 3 has been revised by adding at the end of the paragraph the new sentence "The rental assistance agreement number will be the same as the agreement being modified".

35. In Exhibit C, paragraph XII is revised to clarify the procedure by which to cancel rental assistance payments with the Finance Office.

36. Exhibit C, paragraph XIII, is revised to clarify the procedure by which to terminate existing rental assistance agreements obligated during prior and/or current fiscal years.

37. Exhibit C, paragraph XIV, is added to clarify the borrower's appeal right if rental assistance is not granted or is cancelled by FmHA.

38. Exhibit C, paragraph XIII is renumbered XV.

39. Exhibit M is removed.

40. Numerous editorial and/or typographical changes have been made. Information collection requirements contained in this regulation (Sections 1944.215(e) (1), (2), and (3); 1944.215(g); 1944.215(j)(4); 1944.215 (n), (r) and (t); 1944.222(m); 1944.231(a); 1944.232(a); and 1944.235(a)(5)) have been approved by the Office of Management and Budget under the provisions 44 U.S.C. Chapter 35 and have been assigned OMB #0575–0047.

List of Subjects in 7 CFR Part 1944

Administrative practice and procedure, Aged, Handicapped, Loan programs—Housing and community development, Low and moderate-income housing—Rental, Mortgages, Nonprofit organizations, Rent subsidies, Rural housing.

Accordingly, FmHA amends Subpart F of Part 1822 and Subpart E of Part 1944, Chapter XVIII, Title 7, Code of Federal Regulations as follows:

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart F—Rural Cooperative Housing Loans

1. Section 1822.234 is amended by changing the reference in line five from "1944.212(k)" to "1944.212(l)."

PART 1944—HOUSING

Subpart E—Rural Rental Housing Loan Policies, Procedures, and Authorizations

2. In § 1944.205, paragraph (f)(5) is added and paragraphs (j) and (k) are revised to read as follows:

§ 1944.205 Definitions.

* * * * *

(f) *Eligible occupants.* * * *

(5) In the case of cooperative housing projects all members (tenants) must be of low- or moderate-income except that, any tenant who is admitted as an eligible tenant of the cooperative may not subsequently be deprived of her/his membership or tenancy by reason of no longer meeting the income eligibility requirements as outlined in Exhibit C of Subpart A of Part 1944 of this chapter.

* * * * *

(j) *Project.* A project is the total number of rental housing units located on the same or contiguous site(s) and operated under the same management plan with one loan agreement/resolution.

(k) *Development cost.* The cost of constructing, purchasing, improving, altering, or repairing housing and related facilities and the value or cost of purchasing and improving the necessary land. It includes necessary archeological, architectural, engineering, environmental, legal, official and other appropriate technical and professional fees and charges. However, costs incurred in the formation or incorporation of the limited profit basis and the profit basis applicant organization are excluded. Nonprofit basis organizations may meet the requirements as indicated in § 1944.212(1) of this Subpart. For nonprofit organizations and State or local public agencies the development cost may include initial operating expenses up to 2 percent of the aforementioned costs. It does not include fees, charges, or commissions such as payments to brokers, negotiators, or other persons for the referral of prospective applicants or solicitation of loans. In the case of State or local public agencies the costs incurred in the relocation of individuals may be included as part of the total development cost in accordance with § 1944.215(u) of this Subpart.

* * * * *

3. In § 1944.211, paragraph (a)(1) is revised and paragraph (a)(5)(iii) is amended to add a new sentence to the end of the paragraph to read as follows:

§ 1944.211 Eligibility requirements.

(a) *Eligibility of applicant.* * * *

(1) Be either an individual who is a citizen of the United States or a legally admitted alien for permanent residence in the United States, or an organization as defined in § 1944.205(n) of this Subpart or be an Indian tribe, band, group, nation, including Alaska Indians, Aleuts, Eskimos and any Alaskan Native Village, of the United States, which is considered an eligible recipient under the Indian Self-Determination and Education Assistance Act (Pub. L. 93–638) or under the State and Local Fiscal Assistance Act of 1972 (Pub. L. 92–512), which will provide housing for eligible occupants as defined in § 1944.205(f) of this Subpart.

* * * * *

(5) * * *

(iii) * * *

This applies to RRH and Rural Cooperative Housing (RCH) loans closed after October 27, 1980, and is not retroactive to existing loans prior to that date or to transfer cases after that date.

* * * * *

4. In § 1944.212, paragraphs (b) through (q) are redesignated as (c) through (r), respectively, and a new paragraph (b) is added, and the introductory paragraph to paragraph (c) and the introductory paragraph to paragraph (l) are revised to read as follows:

§ 1944.212 Loan purposes.

* * * * *

(b) Purchase existing buildings only when major rehabilitation is necessary in accordance with paragraph (c) of this section. Loans will not be made for the purchase of adequate housing not in need of major rehabilitation. Major rehabilitation shall not be considered to be minor items of development work such as painting, cleaning, and improvements to related facilities.

(c) Rehabilitate existing buildings only when major modifications, repairs, or improvements to the structures are necessary to meet the requirements of decent, safe, and sanitary living units.

* * * * *

(l) Pay related costs such as fees and charges for legal, archeological, architectural, engineering, environmental and other appropriate technical and professional services. The fees and charges may be paid to an applicant or to an officer, director, trustee, stockholder, member, or agent of the applicant provided those fees and charges are reasonable and typical for that area and are earned. Legal, technical and professional fees do not include the costs incurred in the formation or incorporation of the limited

profit basis or the profit basis applicant entity or the payment of a "loan packaging" or development fee. Ordinarily, FmHA will furnish the needed guidance for the development of an RRH loan docket and project. However, the State Director may authorize the use of loan funds to enable a nonprofit corporation or consumer cooperative to pay a qualified consulting organization or foundation, operating on a nonprofit basis, to assist it in formation or incorporation and for the development and packaging of its loan docket and project and to pay legal, technical and professional fees incurred in the formation or incorporation of the applicant entity. In the latter case, the State Director must determine that:

* * * * *

§ 1944.212 [Amended]

5. Section 1944.212(c)(6) is amended by changing the reference from "paragraph (b)(5)" to "paragraph (c)(5)" in the fourth line.

6. The introductory paragraph to § 1944.212(p) and § 1944.212(p)(3) are amended by changing the reference form "§ 1944.235(b)(1)" to "§ 1944.235(c)(1)" in line five and line two, respectively.

7. Section 1944.213(b)(1) is amended by changing the following references: "§ 1944.212(p)" to "§ 1944.212(q)" in line three; and "§ 1944.212(o)" to "§ 1944.212(p)" in line six.

8. Section 1944.213(b)(10)(i) is amended by changing the reference from "§ 1944.235(b)(1)" to "§ 1944.235(c)(1)" in line two.

9. In § 1944.213(b)(13) is amended by changing the reference from "§ 1944.212(c)(2)" to "§ 1944.212(d)(2)" in line six.

10. Section 1944.213(b)(14) is amended by changing the reference from "§ 1944.212(c)(2)" to "§ 1944.212(d)(2)" in line six.

11. Section 1944.213, is amended by adding a new paragraph (b)(16) which reads as follows:

§ 1944.213 Limitations.

* * * * *

(b) *Limitations on use of loan funds.* * * *

(16) The financing or construction of nonessential facilities such as fireplaces, saunas, whirlpools, gyms, swimming pools, carports, garages and covered parking.

* * * * *

12. The introductory paragraph to § 1944.213(c) is amended by changing the reference from "§ 1944.235(b)(1)" to "§ 1944.235(c)(1)" in line ten.

13. Section 1944.215, is amended by removing paragraph (e)(4) and adding paragraph (a)(9) and (q)(5) to read as follows:

§ 1944.215 Special conditions.

(a) *Type of housing.* * * *

(9) At least five percent of the units in the project or one unit, whichever is greater, must be accessible to or adaptable for physically handicapped persons. The requirement that five percent of the units in the project or at least one unit, whichever is greater, be accessible or adaptable may be modified if a recipient shows, through a market survey approved by FmHA, that a different percentage of accessible or adaptable units is appropriate for a particular project and its service area.

* * * * *

(q) *Location of housing.* * * *

(5) The property for which a loan is made must be located in a rural area as defined in § 1944.10 of Subpart A of Part 1944 of this Chapter, except that if the area where the property is located has changed from rural to nonrural in accordance with the most current official census figures, loan preapplications received prior to the date the area was determined nonrural, will be processed as expeditiously as possible, and loans closed on the applications provided the loan applicants are otherwise eligible.

* * * * *

14. Section 1944.221 is revised to read as follows:

§ 1944.221 Security.

(a) *Mortgage.* Each loan will be secured in a manner that adequately protects the financial interest of the Government. A first mortgage, except as indicated in paragraphs (a) (1) and (3) of this section, will be taken on the property purchased or improved with the loan. A mortgage should be taken on only that part of the land which is necessary to provide adequate security for the loan as determined by the appraisal, except when excess land is purchased as authorized in § 1944.212(d)(3) of this Subpart.

(1) A second mortgage will be taken on a site developed with prior RRH loan(s) when a subsequent loan is made to complete or finish out units on the site, or when a second initial loan is made to develop units on a contiguous site.

(2) Personal liability will not be required for the members or stockholders of any corporation or trust or any partners in a limited partnership. Personal liability will be required of all members of other partnerships. For limited partnerships the State Director will obtain the advice of the Regional Attorney as to any modifications needed in the Promissory Note and mortgage.

(3) If it is impossible or inadvisable for an applicant which is a public or quasi-public organization to give a real estate mortgage, the security to be taken will be determined by the National Office upon the recommendation of the State Director. The State Director should consult OGC as to whether the proposed security is legally permissible.

(b) *Financing statement.* To secure the FmHA loan, each borrower will execute Form FmHA 440–25, "Financing Statement," and a security agreement at loan closing pledging all revenue from the housing project. This may be HUD Section 8 Housing Assistance Payments, FmHA RA payments and/or tenant rent payments.

15. Section 1944.222, is amended by revising paragraph (m) and the title of paragraph (g) to read as follows:

§ 1944.222 Technical, legal, and other services.

* * * * *

(g) *How to apply for a Rural Rental Housing Loan.* * * *

* * * * *

(m) *Previous participation certification.* All known principals and affiliates are required to submit a properly completed Form HUD–2530/FmHA 1944–37, "Previous Participation Certification." Architects and any attorneys who have any interest in the project other than an arms length fee arrangement for professional services are also considered principals. The form will be completed and processed in accordance with instructions attached to the form.

16. Section 1944.222(h) is amended by changing the reference from "§ 1944.212(k)" to "§ 1944.212(l)".

17. Section 1944.231 is revised to read as follows:

§ 1944.231 Processing preapplications.

Preapplications will be processed in accordance with this section to assure that loan funds are used, to the extent possible, to provide housing for eligible occupants in need of adequate housing. Preapplication information is used to determine the applicant's eligibility and feasibility and priority for available funds, therefore eliminating any proposals which have little or no chance for funding in the near future. Information necessary in a preapplication consists of Form AD–621, "Preapplication for Federal Assistance," and all of the additional information and material outlined in Exhibit A–6. Preapplications should be filed in the

FmHA District Office, but may also be filed in the County Office.

(a) *Action by the County Office.* The County Office may handle initial inquiries and provide basic information about the program. They are to provide the preapplication form (Form AD–621), Exhibit A–6 to this Subpart, and Form FmHA 449–10, "Applicant's Environmental Impact Evaluation." The County Supervisor may assist applicants as needed in completing Form AD–621 and the information required in Exhibit A–6. Preapplications filed in the County Office will be immediately forwarded to the FmHA District Office. The County Office will inform the applicant that further processing will be handled by the District Office, and will advise the applicant not to prepare or develop an application until notified by FmHA to proceed. An information folder will be established and maintained by the County Office once a preapplication is received.

(b) *Actions by the District Office.* (1) Upon receipt of the preapplication, Form AD–621 and all other required information and material will be thoroughly reviewed by the District Director for completeness, accuracy, and conformance with program policy and regulations. Incomplete preapplications will be returned to the applicant for completion. The District Director may assist the applicant in completing the preapplication requirements. The District Director will send the County Supervisor all of the appropriate information necessary to establish the County Office information file. The District Director may request the County Supervisor's written comments and recommendations on the proposed site and local housing market demand.

(2) The District Director will fully review the preapplication information and material, to determine eligibility and feasibility. In those cases where the District Director determines the applicant not eligible and feasible, the District Director will so inform the applicant by issuing an AD–622 and inform the applicant of their appeal rights in accordance with Subpart B to Part 1900 of this Chapter.

(3) All preapplications determined eligible and feasible by the District Director will be immediately evaluated in accordance with the priority processing system established in this Subpart. Preference in selecting and processing loan requests within the annual allocations will be based on the priorities indicated.

(i) Projects in areas or communities having a higher percentage of substandard housing. For this purpose FmHA will use the county data provided by the National Office unless better and more specific statewide data approved by the National Office is available for a particular State. If the State mean of substandard housing exceeds 15.0 percent, use Chart A. If the State mean is 15.0 percent or less use Chart B. Forty points to be distributed in the following manner.

A	B	Points
Over 34 percent	Over 18 percent	40
31 to 34	17 to 18	35
27 to 30	15 to 16	30
23 to 26	13 to 14	25
19 to 22	11 to 12	20
15 to 18	9 to 10	15
11 to 14	7 to 8	10
7 to 10	5 to 6	5
0 to 6	0 to 4	0

(ii) Projects in areas or communities having the lowest median per capita income. This data will be provided by the National Office. Thirty points to be distributed in the following manner:

	Points
Less than 75 percent of State/capita income	30
75 to 79	25
80 to 84	20
85 to 89	15
90 to 94	10
95 to 100	0

(iii) Projects which will serve the needs of rural communities located a number of miles from the FmHA eligibility line around urban areas considered ineligible for FmHA housing loans as determined by § 1944.10 of Subpart A of Part 1944 of this Chapter. Twenty points to be distributed based on map mileage from project site to urban area line over normally traveled roads in the following manner:

	Points
20 or more miles	20
15 to 19	15
10 to 14	10
5 to 9	5
0 to 4	0

(iv) Projects located in communities or market areas which do not have subsidized rental housing in operation or authorized. Ten points to be distributed in the following manner:

	Points
No subsidized rental housing project	10
No subsidized rental housing project of the same type as proposed	5
Existing or authorized rental project same type as proposed	0

(v) Projects assured of having some form of deep rental subsidy, such as FmHA's Rental Assistance (RA), HUD's Section 8, State or local housing financed subsidy, or etc. Twenty points will be distributed in the following manner:

Percent of units	Points
51 to 100	20
21 to 50	10
0 to 20	0

(vi) Projects designed and planned for senior citizens. Five points will be distributed in the following manner:

Projects	Points
Senior citizen	5
Other type	0

(vii) In situations where priorities among competing loan requests are essentially equal, preference will be given to preapplications from public bodies and nonprofit corporations. In other cases where requests are essentially equal, preference will be given to preapplications on the basis of preapplication date.

(4) After determining the priority ranking of the preapplication the District Director should record the points earned on Form FmHA 405–11, "Application and Processing Card-Association," in column 1 immediately following the applicant's name.

(5) After completing the review and rating in accordance with the priority processing system established in this Subpart, the District Director will proceed as follows:

(i) In States that allocate funds to the District as prescribed by the National Office:

(A) The District Director will allocate to and maintain up to 75 percent of the District's annual funding allocation to the highest ranking preapplications on hand. The remaining eligible preapplications and future eligible preapplications will be notified using Form AD–622 of their eligibility but advised that processing priorities and current funding levels will not permit further processing of their application at this time. These preapplications will be ranked numerically based on their rating. As applications are approved, withdrawn or rejected and/or annual allocations increased which permit further authorizations, the preapplication with the next highest numerical ranking will be contacted. If the factors supporting the ranking still

exist authorization to develop an application will be given.

(B) Preapplications within the District Director's approval authority that rank within 75 percent of the District's annual funding allocation will be notified using Form AD–622 of their eligibility and feasibility and advised to develop an application. The District Director should also provide the applicant, at this point, with a copy of the "Multiple Housing Management Handbook," from Subpart C of Part 1930. If OGC review is needed, such review will be obtained by routing the file through the State Office.

(C) Preapplications in excess of the District Director's approval authority that rank within 75 percent of the District's annual funding allocation will be submitted to the State Office for review. The applicant will be notified in writing of this action.

(ii) In States that do not allocate funds to the district:

(A) The District Director will assemble the preapplication in a case file and forward the following to the State Director:

(*1*) Form AD–621.

(*2*) All information and material listed in Exhibit A–6.

(*3*) Original and one copy of Form FmHA 440–46, "Environmental Impact Assessment."

(*4*) Eligibility determination and recommendations.

(*5*) Comments and recommendations of the proposed project site resulting from an on-site visit to determine its overall desirability as well as conformance with the site location requirements indicated in Section 1944.215(q).

(*6*) An updated copy of Form FmHA 405–11.

(B) If the preapplication is in excess of the District Director's approval authority, no AD–622 will be issued by the District Director until notified by the State Director.

(c) *Actions by the State Office.* (1) Unless the applicant is an individual or an organization adopting without change the "Articles and Bylaws" prescribed by Exhibits E and F of this Subpart or by State Supplements or has received clearance from OGC for the same type of financing, the appropriate documentation necessary to make the appropriate eligibility determination and any questions or comments of the State Director will be submitted to OGC for a preliminary opinion as to whether the applicant and the proposed loan meet or can meet the requirements of State law and this Subpart.

(2) Preapplications that exceed the State Director's approval authority, and that rank within 75 percent of the State's annual funding allocation will be sent to the National Office for evaluation, authorization, and guidance. When preapplications are submitted to the National Office, the following information must be included in the submission:

(i) The complete and properly assembled preapplication case file.

(ii) The schematic or preliminary plans and specifications, together with the architectural comments and recommendations of the State Office Architect.

(iii) The information required by § 1944.213(a) of this Subpart.

(iv) The comments and recommendations of the District Director.

(v) The comments and recommendations of the State Director.

(3) The State Director will evaluate the preapplication information and the District Director's eligibility and feasibility determination and recommendations.

(i) In States that allocate funds to the district as prescribed by the National Office, the State Director will notify the District Director of the review results. The State Director will return the preapplication information and the executed original Form FmHA 440–46 to the District Office with authorization for the District Director to prepare and issue Form AD–622.

(ii) In States that do not allocate funds to the districts the State Director should proceed as follows:

(A) After reviewing the priority rating of the preapplication the State Director should rank and record the points earned, numerically based on their rating, on Form FmHA 405–11. This form will be maintained in the State Office.

(B) The State Director will allocate and maintain up to 75 percent of the State's annual funding allocation to the highest ranking preapplications on hand. The remaining eligible preapplications and future eligible preapplications will be notified by the District Office using Form AD–622 of their eligibility but advised that processing priorities and current funding levels will not permit further processing of their application at this time. These preapplications will be ranked numerically based on their rating. As applications are approved, withdrawn or rejected and/or annual allocations increased which permit further authorizations, the preapplications with the next highest numerical ranking will be contacted. If the factors supporting the ranking still exist authorization to develop an application will be given.

(C) The State Director will notify the District Director of the review results. The State Director will return the preapplication information and the executed original Form FmHA 440–46 to the District Office with authorization for the District Director to prepare and issue Form AD–622.

(d) *Summary.* Form AD–622 will be prepared by the District Director stating the results of the review actions. The original will be signed and delivered to the applicant, with a copy to the applicant's case file, a copy to the County Supervisor, and a copy to the State Director.

(1) Applicants with preapplications which are not favorably considered will be notified in writing of the reasons why the request was not favorably considered, and will be informed in accordance with Subpart B of Part 1900 of this Chapter that they may request a further review of this decision.

(2) Applicants with preapplications which are eligible and feasible, but are unable to be selected for further processing within approximately 75 percent of the State Office or District Office allocation of funds, will be notified that their preapplications were determined eligible but lacked sufficient priority to authorize further processing at the present time. Applicants should be advised that their preapplication will be retained and considered for future funding based on its rating. If funding is not authorized within one year from the date of the AD–622, they will be notified in writing that their preapplication will no longer be considered unless it is resubmitted or updated. In addition, the applicants will be advised against incurring obligations for legal and architectural and engineering work, perfecting interests in land rights, and inviting construction bids or making other commitments which cannot be fulfilled without loan funds, until funds are actually made available.

(3) When an applicant is notified to proceed with an application the District Director should establish specific deadlines for developing the proposal to avoid unreasonable delay by those applicants not prepared to proceed. In addition, the following paragraphs should be contained on or attached to Form AD–622: "The review action taken by FmHA is based upon representations made in your preapplication presented to FmHA. Any changes in approximate project costs, size or scope of the project, rental rates to the tenants or subsidy costs to the Government, scope of services, sources of funds, or any other significant changes in the project or applicant, must be reported to and approved by FmHA in writing. Any changes not approved by FmHA shall be

cause for discontinuing processing of the application. All applicants requesting changes will be required to give full justification for each change, and if FmHA approval is not given, written reasons should be provided along with a 30 day negotiation period to resolve the differences."

This action is not to be considered as loan approval or as a representation of the availability of funds. The loan docket may be completed on the basis of a loan not to exceed the amount shown on Form AD–622. If a complete application has not been developed in approvable condition by the date specified on Form AD–622, FmHA reserves the right to discontinue processing the application.

18. In § 1944.232, paragraph (d)(2) is amended by changing "HUD Form 2530, Previous Participation Certificate" to "Form HUD 2530/FmHA 1944–37, Previous Participation Certification," by changing the title of Form FmHA 440–4 from "Nondiscrimination Agreement" to "Assurance Agreement," and by adding Form FmHA 440–25 to loan docket list immediately following Form FmHA 400–4 to read as follows:

§ 1944.232 Preparation of completed loan docket.

* * * * *

(d) *Assembly, review, and distribution of complete loan docket items.* * * *

(2) * * *

Form FmHA 440–25, Financing Statement, 2, 2–O&1C, 1–C, 1–C.

* * * * *

19. Section 1944.235(a)(4) is amended by changing the reference in line three from "§ 1944.212(n)" to "§ 1944.212(o)."

20. Section 1944.235, is amended by redesignating paragraphs (b) through (h) as (c) through (i), respectively, and adding a new paragraph (b) which reads as follows:

§ 1944.235 Actions subsequent to loan approval.

* * * * *

(b) *Transfer of obligations.* The transfer of obligations or the essence of a transfer of fund obligation may only occur when:

(1) *Organizational entity remains the same.* The entity remains legally the same with a substitution of the members occurring. All or part of the membership may change as long as eligibility is not affected. The project site location and the market remain the same.

(2) *Organizational entity changes.* The membership and their interests remains identical, the project site location and market are the same, but the legal entity changes.

* * * * *

21. Section 1944.235(c)(2)(ii) is amended by changing the reference in line two from "paragraph (b)(2)(i)" to "paragraph (c)(2)(i)."

22. Section 1944.235(d) is amended by changing the reference in line eight from "paragraph (b)(1) or (2)" to "paragraph (c) (1) or (2)".

§ 1944.236 [Amended]

23. Section 1944.236, paragraph (a) is amended by inserting the words "or individual" after "organization" in line ten and by changing the reference "§ 1944.212(k)" to "§ 1944.212(l)" in line twenty-three.

24. Section 1944.236(e)(2) is amended by changing the reference in line five from "FmHA Instruction 405.1" to "FmHA Instruction 1905–A".

25. Section 1944.237 is revised to read as follows:

§ 1944.237 Subsequent RRH loans.

(a) A subsequent RRH loan is a loan made to an applicant or borrower to complete, improve, repair and/or expand a project initially financed by FmHA.

(b) Subsequent loans may be made on property in an area the designation of which changed from rural to nonrural after the initial FmHA loan was made only to make necessary improvements and repairs. Subsequent loans for expansion may not be made in a nonrural area.

(c) In cases where the loan is to complete the original housing under the initial FmHA loan:

(1) If the applicant has provided under the initial FmHA loan an initial investment greater than the five percent required, the excess may be credited toward the required five percent initial investment of the subsequent loan, then the applicant should only be required to put up the additional funds for this purpose, if needed. The same applies to initial O and M requirements.

(2) If the initial five percent investment and two percent O and M amounts are only sufficient to cover the initial FmHA loan, then the applicant/borrower must provide the additional five and two percent amounts to cover the subsequent loan.

(d) In cases where the loan is to repair and/or improve an existing project which has been in operation for some time, then:

(1) The applicant/borrower should not be required to provide the initial two percent O and M amount since its purpose is to cover project start-up costs.

(2) The applicant must provide the borrower's initial five percent investment except in those cases in which it can be determined that at the time of the initial FmHA loan, the applicant has provided more than the initial five percent required at that time. In cases where the applicant has more than five percent invested in the initial FmHA loan, the excess may be credited toward the required five percent initial investment of the subsequent loan, then the applicant should only be required to put up the additional funds for this purpose, if needed. The applicant will not be given any consideration for any increase in equity or increase in value that the property may have had since the date of the initial FmHA loan.

§ 1944.250 [Reserved]

26. Section 1944.250 is removed and reserved.

27. Exhibit A–6 is amended by revising paragraphs 1(a), 1(g), and 2(a) to read as follows:

Exhibit A–6—Information To Be Submitted With Preapplication for Rural Rental Housing (RRH) Loan

* * * * *

1. *Eligibility:*

(a) Financial Statements—Each applicant must submit current, signed and dated financial statements. The financial statements must reflect sufficient financial capacity to meet the equity capital and initial operating capital requirements of the applicant.

(i) For a corporation (other than a nonprofit corporation) or a trust, financial statements will be required from each member, stockholder or beneficiary who holds an interest in the organization in excess of 10 percent.

(ii) For a partnership or trust, financial statements will be required from each general partner or trustee who holds an interest in the organization.

(iii) For limited partners in a limited partnership a certificate of net worth will be required.

(iv) For applicants that are not legally organized at the time of filing the preapplication, financial statements will be required from all of the proposed parties in proportion to the proposed ownership interest of each party. However, the applicant must be legally organized prior to loan approval and must submit financial statements.

(v) For all cases in which financial statements are required of an individual, the financial statements must also include the financial interest and signature of the spouse.

(vi) All financial statements or net worth certifications submitted must contain the following statement immediately preceding the signature line:

"(I) or (We) certify the above statements contained herein are a true and accurate statement of (my) or (our) financial condition as of the date stated herein. This statement is given for the purpose of inducing the United States of America to make a loan or to enable the United States of America to make a

determination of continued eligibility of the applicant for a loan as requested in the loan preapplication or application of which this statement is a part."

* * * * *

(g) All known principals and affiliates are required to submit a properly completed Form HUD–2530/FmHA 1944–37, "Previous Participation Certification." Architects and any attorneys who have any interest in the project other than an arms length fee arrangement for professional services are also considered principals. The form will be completed and processed according to the instructions attached to the form.

2. *Need and Demand:*

(a) A market survey report should be based on the number of eligible occupants in the area who are willing and financially able to occupy the housing at the proposed rental levels. The economic justification for the housing and the size of the project should be based primarily upon the housing need and demand from eligible prospective occupants who are permanent residents of the community and its surrounding trade area. Since the intent of the program is to provide adequate housing for the eligible permanent residents of the community, demand from the more temporary residents of a community (such as college students in a college town or military personnel of any military installation within the trade area) should be discounted in determining project size. A market survey report will include:

(i) For a proposed project which will contain 10 or fewer units and will be in a community where an effective demand for rental housing obviously exists, statements supported by statistical data describing and explaining the basis for expecting a continued effective demand for the rural rental housing over the period of the loan. This information may be assembled from census reports, county market evaluations made by the Department of Housing and Urban Development and other published data that shows the number of occupants living in the town or trade area who are eligible to occupy the proposed housing and the condition of the housing they occupy. This information will be used to help determine the maximum number of rental units that may be financed.

(ii) For a proposed project that will include more than 10 units and for any smaller project where there is any doubt concerning the demand, a complete rental housing market analysis showing the need and demand for rural rental housing in the area based on the best information available. It will include:

(A) An estimate of number of houses or apartments in the area for rent. Exhibit A–2 or a similar form should be used for this purpose.

(B) Characteristics of available rental housing such as location, quality and size of unit, type of building, age of structure, house value, tenure, vacancy rate, nature of vacancies, and price or rental levels.

(C) Characteristics of the persons eligible for occupancy of the proposed housing, such as single or couple, size of household, number of senior citizens, nonsenior citizens or handicapped persons, and income financial condition.

(D) Present living arrangements of eligible occupants in the area and the extent to which inadequate housing is associated with health or financial reasons.

(E) Estimate of the number of eligible occupants who are willing and financially able to occupy the proposed housing.

(F) In the case of a proposal involving congregate housing, with central dining area, space for support services, or housing involving a group living arrangement, a narrative statement from local, State, and/or Federal Government agencies supporting the current and long-range need for the facilities in the community and its trade area.

(iii) If the housing is located in an area where there are relatively few eligible occupants, or for any other reason there is a question as to whether the housing will be fully occupied, signed expressions of interest in occupancy will be obtained from 50 percent more eligible prospective occupants than the number of units to be built to clearly indicate that full occupancy will occur soon after construction is completed. Exhibit A–3 or a similar form may be used for this purpose.

(iv) The applicant will provide a written, signed certification that the information provided in the market study is truthful and accurate.

* * * * *

28. Exhibit A–7, is amended by removing paragraph B, renumbering paragraphs 6 through 12 to 7 through 13, respectively, adding a new paragraph 6, and revising paragraphs 5 and 7 to read as follows:

Exhibit A–7—Information To Be Submitted With Application for Federal Assistance (Short Form)

* * * * *

5. If more than 12 months have transpired since the applicant submitted the market survey report the State Director may require a new one if she/he so determines that the situation merits one.

6. For all projects containing over four units the applicant will submit an Affirmative Fair Marketing Housing Plan for approval by FmHA in accordance with § 1901.203 of Subpart E to Part 1901. The Affirmative Fair Marketing Plan must be prepared in a complete, meaningful, responsive and detailed manner.

7. If more than 12 months have transpired since the applicant submitted the dated financial statement the State Director may require a new one if she/he so determines that the situation merits one or if the financial situation of the applicant has sufficiently changed (See paragraph 1 a of Exhibit A–6).

* * * * *

Exhibit B—[Amended]

29. Exhibit B, paragraph II F is amended by changing the phrase "paid by the tenants" in line two to read "paid or to be paid by the tenants."

30. Exhibit B, paragraph IV B 2 d is amended by changing the phrase "and overage month" in line three to read "plus overage for the month".

31. Exhibit B, paragraph VI B is amended by changing the phrase "of paragraph VI A 3" in line three to read "of paragraph VI A of this Exhibit."

32. Exhibit B is amended by removing paragraphs VI.A.1, 2, 3, and 4, and revising paragraph VI.A, VI.C.2, and VI.D to read as follows:

Exhibit B—Interest Credits on Insured RRH and RCH Loans

* * * * *

VI *Special Conditions.*

A. *Leases.* Borrowers participating in the Interest Credit program must have an FmHA approved lease with the assisted household. Leases must comply with the requirements of paragraph VII of Exhibit B to Subpart C to Part 1930 of this Chapter.

* * * * *

C. *Vacancies.*

* * * * *

2. When all construction is not completed but the FmHA loan is closed, all funds have been withdrawn from the Finance Office, some of the units are ready for occupancy, and the contractor consents in writing to permit occupancy, the incompleted units will be assumed to be rented at the market monthly rentals in computing the amount of payment.

D. *Interest Credit for Projects Under the Department of Housing and Urban Development (HUD) Housing Assistance Payments Program or FmHA Rental Assistance.* When rental units in an RRH project are leased under the Section 8 program, Form HUD 50059, "Certification and Recertification of Tenant Eligibility," will be completed as required in Exhibit H for new construction. Projects authorized to utilize rental assistance will complete Form FmHA 444–7 in accordance with Exhibit C.

* * * * *

33. Exhibit C, paragraph V.A.2.b is amended by changing the reference "1944.231(d)(3)" in line thirteen to read "1944.231(b)(3)".

34. In Exhibit C, paragraph VI.B is amended by adding at the end of the paragraph the following sentence: "After the project is fully occupied the procedure in paragraph VI A will be followed".

35. In Exhibit C, paragraphs VII.E.1, VII.E.2., VII.E.2.a through E.2.h, VII.E.3, X.A.1.c, and X.C.2 are removed, paragraphs X.C.3, X.C.4, and X.C.5 are redesignated as X.C.2, X.C.3, and X.C.4, respectively, paragraph XII is redesignated as a new paragraph XIV, and paragraph XIII is redesignated as a new paragraph XV,

36. In Exhibit C, paragraphs VII.E and XIV are revised, and paragraphs IX.B.4, XII, and XIII are added to read as follows:

Exhibit C—Rental Assistance Program

* * * * *

VII. *Responsibilities of Borrower in Administering the Rental Assistance Program.*

* * * * *

E. A borrower participating in the RA program must have an FmHA approved lease with the assisted household. Leases must comply with the requirements of paragraph VII of Exhibit B to Subpart C of Part 1930 of this Chapter.

* * * * *

IX. *Terms of the Rental Assistance Agreement.*

* * * * *

B. *Term.*

* * * * *

4. *For Renewal.* Prior to the termination date of any agreement the borrower may submit a Form FmHA 444–25 for "renewal" units. This should be submitted no later than three (3) months prior to the expected expiration date of the present agreement to allow time for processing. If a renewal agreement is approved, it will be for a five (5) year period. This renewal may not be for more units than the number that are expiring. The State Director may approve renewal units which exceed his/her approval authority provided the initial units were authorized by the National Office.

* * * * *

XII. *RA Payment Cancellation.* In the event that a rental assistance check may need to be cancelled the following procedure will be followed:

A. *Return of the original RA Treasury check.* The District Office will prepare Form FmHA 1940–10, "Cancellation of U.S. Treasury Loan or Grant Check and/or Obligation," as specified in the FMI.

B. *Return of a portion of the monthly RA Payment.* A MFH borrower check made payable to Farmers Home Administration will be submitted to the Finance Office attached to Form FmHA 444–9. Form FmHA 444–9 will be coded as Miscellaneous Collection Code 21—Other. The payment will be coded "U" for refund. Add the following statement to the bottom of the form: "Refund of overpayment of Rental Assistance for the month of ———, 19—."

XIII. *Terminating Existing Rental Assistance Agreements Obligated in Prior and/or Current Fiscal Years.*

A. *When Obligated Funds are Fully Disbursed:*

1. RA agreements will be automatically terminated when all obligated funds shown on the agreement are fully disbursed to the borrower. The District Office will enter a "final payment" code on Form FmHA 444–9 when the last RA payment request is processed.

B. *Prior to Full Disbursement of Obligated Funds.*

1. Only the State Director is authorized to terminate RA agreements prior to full disbursement of obligated funds.

2. RA Agreements will be terminated prior to full disbursements of the obligated funds only when RA is to be discontinued on the project in accordance with the provisions of the borrower's Rental Assistance Agreement and Interest Credit and Rental Assistance Agreements. The State Director will notify the borrowers in writing of the reason for cancellation and provide the borrower appeal rights in accordance with Subpart B of Part 1900 of this Chapter. Form FmHA 444–26 deobligating funds will not be forwarded to the Finance Office until the appeals process is completed.

3. When current year RA agreements are terminated, the undisbursed funds for the RA obligations will be returned to the current fiscal year obligation authority.

4. When prior fiscal year RA agreements are terminated the undisbursed funds (unliquidated balances for those obligations) cannot be reused and are lost as a result of the single year RA obligational authority. To ensure effective utilization of RA funds, it is imperative that RA agreements not be terminated prior to the full disbursement of obligated funds if RA payments continue and there are undisbursed funds for that rental assistance agreement obligation.

5. When a project account is accelerated the RA agreement should not be cancelled until Form FmHA 465–6, "Advice of Mortgaged Real Estate Acquired," is forwarded to the Finance Office.

XIV. *Rights for Appeal of Rental Assistance is not Granted or is Cancelled by Farmers Home Administration.*

A. Borrowers who have requested RA in writing and are denied such assistance (whether in whole or in part) by Farmers Home Administration, or when RA is cancelled, will be notified in writing of the specific reasons why they have been denied RA as specified in Subpart B of Part 1900 of this Chapter. A meeting will be required between the borrower and the decision maker to explain the adverse decision before the appeals process will begin.

B. If at any time it is determined that a borrower or a household was eligible for RA and assistance could have been made available in accordance with this Exhibit, the borrower or household will receive the next available RA unit.

C. Borrower denial of RA to tenants will be handled in accordance with § 1944.555 of Subpart L of Part 1944 of this Chapter.

37. Exhibit C, paragraph IX.A is revised by changing the reference "paragraph XII" in line five to read "paragraph XIV."

38. In Exhibit C, paragraph X.C.2 is revised by adding "or renewal" in the title of the paragraph and in the first line of the paragraph between the words "initial" and "request" and paragraph X.C.3 is revised by adding to the end of the paragraph the new sentence, "The rental assistance agreement number will be the same as the agreement being modified."

39. In Exhibit H, paragraph V.I is revised to read as follows:

Exhibit H—RRH Loans and the HUD Section 8 Housing Assistance Payments Program (New Construction)

* * * * *

V. Compliance and Certifications Required.

* * * * *

I. *Previous Participation.* It will be the responsibility of all applicants and applicant principals holding an interest in the entity to complete Form HUD 2530/FmHA 1944–37, "Previous Participation Certification." The complete form will be transmitted to HUD at the same time as transmitting the Form AD–621, "Preapplication for Federal Assistance," for their review, clearance and comment.

40. In Exhibit H, paragraph VII is amended by changing the reference in lines four and five from "Form HUD 52659, 'Application for Tenant Eligibility and Recertification.' to "Form HUD 50059, 'Certification and Recertification of Tenant Eligibility,"; and by changing the reference in line six from "Form HUD 52659" to "Form HUD 50059."

Exhibit H–2—[Amended]

41. Exhibit H–2 is amended by changing the percentage from "25 percent" to "30 percent" in line eleven of the second paragraph, entitled *Basic Concept.*

Exhibit H–3—[Amended]

42. In Exhibit H–3, paragraph (3) is amended by changing the reference in line six from "Section 8" to "Section 3."

43. In Exhibit K, paragraphs 6 (e)(3) and 6 (e)(4) are revised to read as follows:

Exhibit K—Form FMHA 1944–34, "Loan Agreement for an RRH Loan to a Partnership Operating on a Profit Basis or RRH Loan to a Limited Partnership Operating on a Profit Basis or RRH Loan to a Partnership Operating on a Limited Profit Basis or RRH Loan to a Limited Partnership Operating on a Limited Profit Basis"

* * * * *

6. *Regulatory Covenants.*

* * * * *

(e) * * *

(3) Not change the membership by either the admission or withdrawal of any partner(s) *nor permit the general partner(s) to maintain less than a five percent interest in the organization* nor cause or permit voluntary dissolution of the Partnership nor cause or permit any transfer or encumbrance of title to the housing or any part thereof or interest therein, by sale, mortgage, lease, or otherwise.

(4) Not borrow any money, nor incur any liability aside from current expenses which would have a detrimental effect on the housing.

* * * * *

44. In Exhibit L, paragraph 6 (d)(4) is revised to read as follows:

Exhibit L—Form FMHA 1944-35, "Loan Resolution for an RRH Loan to a Broadly Based Nonprofit Corporation or RRH Loan to a Profit Type Corporation or RRH Loan to a Profit Type Corporation Operating on a Limited Profit Basis."

* * * * *

6. *Regulatory Covenants.*

* * * * *

(d) * * *

(4) Not cause or permit the issue or transfer of stock, borrow any money, nor incur any liability aside from current expenses which would have a detrimental effect on the housing.

* * * * *

Exhibit M—[Removed]

45. Exhibit M is removed.

Subpart-L—Farmers Home Administration Tenant Grievance and Appeals Procedure

§ 1944.551 [Amended]

46. Section 1944.551(b) is amended by changing the reference in lines three and four from "Exhibit C of Subpart E of Part 1944" to "§ 1944.555 of this Subpart."

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Under Secretary for Rural Development, 7 CFR 2.70)

Dated: November 8, 1982.

Charles W. Shuman,

Administrator, Farmers Home Administration.

[FR Doc. 82-33679 Filed 12-10-82; 8:45am]

BILLING CODE 3410-07-M

Animal and Plant Health Inspection Service

9 CFR Parts 71 and 78

[Docket 82-063]

Brucellosis Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule will amend the regulations governing the interstate movement of cattle, as related to brucellosis: (1) By removing incorporation by reference of the July 1977 Uniform Methods and Rules (UM&R); (2) by incorporating pertinent provisions of the current UM&R directly in the regulations; (3) by specifically removing the definition of and use of Certified Brucellosis-Free, Modified Certified Brucellosis, and Noncertified Areas and by defining and using Class Free, Class A, Class B, and Class C States in their places; (4) by amending the requirements for interstate movement of livestock to reflect the new classification of States; and (5) to make other amendments to update and clarify the regulations. This action is needed to correct various weaknesses in and to update the current regulations. The intended effect of these amendments is to make these regulations more effective in preventing the spread of brucellosis and to enhance the Department's brucellosis eradication program.

DATE: Effective January 12, 1983.

Comment Date: Comments concerning amendments or new provisions in § 71.18 (Individual identification of certain cattle 2 years of age or over for interstate movement), § 78.1(pp) (Quarantined pasture), § 78.1(ccc) (Parturient), § 78.1(ddd) (Postparturient), § 78.1(fff) (Epidemiology), § 78.1(ggg) (Epidemiologist), § 78.1(hhh) (Originates), § 78.9 (c) and (d) (Cattle from herds not known to be affected with brucellosis), § 78.20 (State/Area Classifications), and § 78.25 (Designations of States/Areas and approved stockyards) on or before: February 11, 1983.

FOR FURTHER INFORMATION CONTACT:

Dr. A. D. Robb, Chief Staff Veterinarian, National Brucellosis Eradication Program, Federal Building, Room 805, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-5961.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

Information collection requirements contained in this regulation (§§ 78.1, 78.6, 78.8, 78.9, 78.10, 78.11, 78.16, 78.20, 78.21, 78.22, 78.25, and 78.29) have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) and have been assigned OMB #0579-0064.

Executive Order 12291

This final action is issued in conformance with Executive Order 12291 and has been determined not to be a "major rule". Based on information compiled by the Department, it has been determined that this action would have an annual effect on the economy of less than one hundred million dollars; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; would not have a significant adverse effect on competition, employment or investment, productivity, innovation, or the ability of United States based enterprises to compete with foreign based enterprises in domestic or export markets.

Certification Under the Regulatory Flexibility Act

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because both direct and indirect costs to producers should be minimal. Direct testing costs to producers moving cattle interstate, which are estimated to total approximately $1,200,000, will be spread out among the approximately 1,460,000 cattle owners in the United States. Direct costs to small entities moving livestock should therefore be minimal. Indirect costs to entities moving livestock should be approximately the same as under the current regulations. Fewer than 12 percent of all U.S. cattle herds will be in Class C States/Areas (only east Texas, south Florida, Mississippi and Louisiana). Only these animals will be potentially subject to 2 brucellosis tests before movement from their State/Area, and many of them, because they are official calfhood vaccinates, will only be required to have one test. Therefore, there will be no significant economic impact on a substantial number of small entities because of this increased test requirement. Some requirements will be relaxed under this final rule, but this will be partially offset by the additional cost of acquiring permits for entry into the various States. In addition, in Class Free States, quarantines will be imposed on herds adjacent to or having contact with infected herds. However, the number of entities potentially subject to such quarantines will be limited to only certain entities in Class Free States, which include only 13 States and which have the lowest rate of disease. The competitive position of small entities vis-a-vis larger ones should not be harmed, the cash flow and liquidity of small entities should not be affected, and the ability of small entities to remain in the market should not be affected by this final rule. At any rate, there is no basis for lessening restrictions on any small entities from a disease standpoint.

Emergency Provisions

Dr. Billy G. Johnson, Acting Director, National Brucellosis Eradication Program, has determined that an emergency situation exists with respect to certain amendments made in this document to § 78.1(pp) (Quarantined pasture), § 78.9 (c)(ii) and (d)(ii) (Cattle

from herds not known to be affected with brucellosis), § 78.25 (Designations of States/Areas and approved stockyards), material added to § 78.20 (State/Area Classifications), and proposed § 78.1(ccc) (Parturient), § 78.1(ddd) (Postparturient), § 78.1(fff) (Epidemiology), § 78.1(ggg) (Epidemiologist), and § 78.1(hhh) (Originates), and § 71.18 (Individual identification of certain cattle 2 years of age or over for interstate movement) which warrants publication of these sections without opportunity for a public comment period on these actions at this time. As discussed later in this document, the effectiveness and timely restructuring of the brucellosis eradication program would be impaired by any delay in implementation of this docket and these changes. These amendments are all necessitated by other changes made in the docket as a result of comments, or are the result of decisions recently made by the Department, such as actual State/Area classifications. They are all integral to these new regulations as a whole.

Comments concerning the above listed sections are being solicited for 60 days after publication of this document, and such interim final portions of this document will be scheduled for review so that a final document discussing comments received on those portions and any amendments required can be published in the **Federal Register** as soon as possible.

Historical Information

The Secretary of Agriculture is authorized to cooperate with the States in conducting a brucellosis eradication program. Brucellosis is a contagious, infectious, and communicable disease which affects animals and man and is caused by bacteria of the genus brucella. Since 1947, minimum standards for the program have been recommended to the Department by the United States Animal Health Association (USAHA). The USAHA is a non-governmental organization dedicated to the betterment of livestock health and the livestock industry. It is composed of livestock industry organizations and individuals, State animal health officials, and federal animal health officials. The Department serves on the Brucellosis Committee of USAHA both as members and as advisors. The recommendations of USAHA are reviewed by the Department. Those acceptable to the Department are proposed as amendments to the Brucellosis Eradication Uniform Methods and Rules (UM&R) APHIS Publication 91-1. The UM&R forms the basis for cooperation between the States and the Department to control and eradicate brucellosis. The 1977 edition of the UM&R, which contains provisions respecting interstate activity and interstate commerce, has been incorporated by reference into Part 78 of the regulations. The UM&R is subject to annual review and amendment to reflect progressive program needs as determined by representatives of all impacted segments of: the livestock industry, the scientific community, the State animal health officials and USDA–APHIS animal health officials. In 1976, the USAHA, the National Cattleman's Association, several State cattlemen's associations, several dairymen associations both national and State, the American Farm Bureau Association, and a number of other livestock industry oriented organizations requested the Secretary of Agriculture to review the brucellosis eradication program. The Secretary responded to these requests by appointing a Brucellosis Technical Commission (hereinafter referred to as the Commission). The Commission, a five member panel of non-USDA brucellosis experts not connected with the brucellosis eradication program, was charged with the responsibility to review the entire program for feasibility, cost, and technical effectiveness. If found to be feasible and cost effective, they were to make recommendations for program improvements. Their report was delivered in August 1978, and served as the basis for the UM&R published September 4, 1979. The amendments since that date have been the result of further deliberations of the USAHA in consultation with the Commission and the Department. The current UM&R was adopted by the USDA and published with an effective date of May 1, 1982.

Analysis of Alternatives

Three alternative sets of regulations for interstate movement have been considered to limit the disease spread and losses to the livestock industry. They are as follows: (1) Option A—the current system, (2) Option B—the Brucellosis Technical Commission (BTC) proposal of August 1978, and (3) Option C—the amendments discussed herein. The main difference among these options concerns the allowed herd infection rate, the Market Cattle Identification program reactor rate allowed in different areas, and the testing requirements imposed on animals moving interstate from those areas.

The following table shows the basic interstate movement and testing requirements of each alternative. The requirements apply only to cattle from non-quarantined herds moving interstate other than for slaughter or to quarantined feedlots.

Status	Classification criteria		Movement Requirements—Interstate [1]
	Herd infection rate	MCI reactor rate	
Option A—The Current Regulations			
Certified Brucellosis Free Area	1 percent	NA	No test required.
Modified Certified Brucellosis Area	5 percent	NA	Test within 30 days before movement.
Non-Certified Area	NA	NA	Two tests before movement 30 days apart. First a complete herd test. Last within 30 days of movement.
Option B—Brucellosis Technical Commission's Proposal of November, 1981			
Class A State	0 percent	0.2 percent	No test required—recommend quarantine at destination and retest in 45 to 120 days.
Class B State	1 percent	0.5 percent	Test before movement; postmovement quarantine and retest in 45 to 120 days.
Class C State	Over 1 percent	Over 0.5 percent	Two negative tests at intervals of not less than 60 days; plus postmovement quarantine and retest in 45 to 120 days.
Option C—Modification of BTC Proposal [2]			
Class Free State	0 percent	0.05 percent	None.
Class A State	0.25 percent	0.10 percent	One negative test within 30 days of movement.
Class B State	1.5 percent	0.30 percent	One negative test within 30 days of movement.
Class C State	Over 1.5 percent	Over 0.30 percent	Two negative tests at intervals of not less than 60 days. (Vaccinated animals may move with only one negative test prior to movement).

[1] Cattle from certified brucellosis free herds are exempt from premovement testing requirements.
[2] Option C parallels the current UM&R requirements for classification criteria and interstate movement requirements.

The following table shows how many areas and herds would be subject to the various interstate test requirements for cattle under the three options.

Status	Number of States	Number of counties	Percent of counties	Estimated number of herds	Percent of all herds
Option A—The Current Regulations					
Certified brucellosis free	32	2,051	65.0	1,021,161	63.000
Modified certified brucellosis areas	18	1,096	34.8	591,012	37.000
Non-certified areas		6	0.2	1,530	0.001
Option B—BTC Proposal of August 1978					
Class A	5			21,279	1.5
Class B	40			1,291,521	80.0
Class C	5			300,903	18.5
Option C—Modified BTC Proposal					
Class free	5			21,279	1.5
Class A	27			686,530	42.5
Class B	13			604,992	37.5
Class C	5			300,903	18.5
Total				1,613,704	

As indicated in the historical section above, serious problems with the interstate movement of infected animals, particularly into Brucellosis-Free States, led to the Brucellosis Technical Commission (Commission) report in August 1978. Brucellosis currently results in losses due to decreased milk and beef production, abortions, and culling and replacement of diseased and exposed animals which exceed $33 million annually. The Department believes that either Option B or Option C would be more effective than the current system in controlling and preventing the spread of the disease, and thereby reducing losses caused by it. Adoption of either Option B or C would result in long-run cost reductions to the general public, cattle owners and government entities involved in the disease control and eradication program, as diseased animals would be identified more quickly and eliminated as sources of infection.

All the plans would have approximately the same Federal and States costs, as the governmental duties are similar and mainly supervisory in all cases. The Commission plan, Option B, would have provided for three classifications of States, with 40 of the States falling into one classification. Option C would provide for four classifications, with the largest classification covering 27 States. Because Option C provides for an extra classification, it is possible under that option to write regulations which more closely meet the needs of individual States. In addition to this advantage, Option C provides a workable and effective plan for controlling and eventually eradicating brucellosis. Option B, while scientifically sound, would cause great short-term disruption and cost to the livestock industry. The estimated cost to producers for tests required by these options would be: 1) Option A—$390,390; 2) Option B—$1,529,300, and Option C—$1,202,400. Indirect costs, such as the cost to producers of acquiring the various permits required, should be no more than under the current regulations. For these reasons Option C is being selected.

Analysis of Comments

On January 25, 1982, the Department published in the **Federal Register** (47 FR 2490–3509) a proposal to amend the brucellosis regulations in 9 CFR Part 78. A 60 day comment period ended March 26, 1982. Subsequently, by a document published in the **Federal Register** (47 FR 13827) on April 1, 1982, the comment period was reopened and extended to April 30, 1982.

A total of 144 written comments were received. However, 26 comments were not responsive to the proposal. Instead of commenting on the proposed changes to Part 78, they discussed other parts of the Code of Federal Regulations or expressed personal viewpoints on the unfairness of the brucellosis eradication program, without making specific comments on the actual proposal. Since these comments were not within the scope of this rulemaking proceeding, they are not addressed in this rulemaking document.

Thirty letters or mailgrams were received requesting an indefinite extension of the comment period on the "proposed rule incorporating the UM&R into the CFR." Most of the comments requesting an indefinite extension of the comment period cited the proposed budget cuts for Fiscal Year 1983 as the reason the comment period should be extended indefinitely. The proposed changes in Part 78 have little, if any budgetary effect on the Department's program. The comment period on these regulations has been extended once. The Department believes that the 90 days which have been available for making comment have been more than adequate.

In addition, many of the comments which requested an indefinite extension of the comment period apparently misinterpreted the proposal in that they stated that it was intended to "incorporate the UM&R into the CFR." This is not the case. The proposal was to include all essential definitions in Part 78 which are now covered in the UM&R as it is incorporated by reference. This will result in two separate documents with compatible language. Each document will then serve its intended purpose without depending on or interfering with the other. During the reopened comment period, several large organizations, mostly dairy oriented, commented forcefully that with the UM&R amendments to be in place May 1, 1982, further delay in full implementation of the essential movement changes into the CFR would be damaging to the livestock industry. They urged early publishing of the final rule.

In the supplementary information published with the proposal, a great deal of discussion centered around the USDA's proposed adoption of a whole State classification system, which in the current UM&R replaces county-wide designation of brucellosis status. This was proposed since movement of cattle from herds not known to be affected with brucellosis has always been based upon the brucellosis status designation of the area from which the animal was being moved, and it was believed that State-wide classifications would be more efficient and effective than the fragmented county-wide system. However, comments pointed out that some States are so large that a whole-State classification is inherently inefficient as it does not recognize different levels of infection within the State. We agree that smaller classification areas than entire States would be desirable.

Some large States have distinctly different rates of infections in different parts of the State. Two classification areas would enable animals moving between such areas to be controlled, and thereby keep brucellosis from spreading from the areas of high infection rate to areas of low infection.

The individual States will have to control such intrastate movements as the Department does not have such authority. This State control will be provided for in cooperative agreements between each State and the Department. If a State with 2 Areas within its boundaries failed to control movements between those areas the higher classified area would be reclassified to be the same as the lower area. County-wide classification would be unnecessarily complicated, and the Department believes a maximum of 2 classification areas within a State would be adequate. A greater number of areas would be more difficult to manage, requiring more manpower, and would be more costly both to the State and cattle owners within the State. Too many areas would only lead to confusion and then lack of control, and in the end would be ineffective.

Therefore, the Department is amending the regulations to allow for a State to be split into no more than 2 classification areas. Therefore, a new § 78.1(j) has been added to the regulations to define "Area" as "that portion of any State, the District of Columbia, Puerto Rico, the Virgin Islands of the United States, or Guam which has a separate brucellosis classification under this part." Other definitions in § 78.1 and references thereto are renumbered to account for new § 78.1(j). In fact, the States of Florida and Texas have been classified with 2 Areas within each State. Both of these States are large and have widely differing rates of brucellosis within their borders. As each State has one area of much greater infection than the rest of the State, Texas and Florida have been designed with 2 Areas within each State. These classifications appear in § 78.20, now headed "State/Area Classifications".

As in the current regulations, terms in the regulations that are not readily understood by the general public are defined in § 78.1. In the current regulations, a number of defined terms refer to the July 1977 UM&R which is incorporated by reference into the regulations. In the proposal, these terms and other new terms are fully defined within the regulations, without reference to other documents. The current UM&R was used as the source for these definitions. However, many individuals who commented on the proposal failed to understand that incorporation by reference of the UM&R itself was being removed from the regulations, and instead incorrectly believed that the current UM&R was being placed in total into the regulations in a form differing from that adopted by the Department on May 1, 1982.

Many comments were repetitious of comments made to the USDA in October, November, and December 1981 when the UM&R revision was open for comment. However, these comments did not respond to the portions of the UM&R which were proposed to be incorporated into the regulations. Therefore, these comments were not within the scope of this rulemaking proceeding and are not addressed in this rulemaking document.

Generally, these comments were directed at the procedures USDA uses to establish State/Area classifications. In the proposed regulations, such procedures were detailed and discussed as part of the definition of each class so the public would have knowledge of how a State/Area qualifies for each class.

Most of these comments were not relevant to the proposal as they were directed at portions of the UM&R which are not being incorporated into the regulations. However some comments were relevant to the proposed definitions in that they contended that the proposed definitions either altered the meaning or intent as stated in the program standards or in some other way should be clarified to be compatible with program standards. Each of these comments will be dealt with in the following discussion in connection with the individual proposed definitions.

A number of comments were on proposed definitions § 78.1(n), "certificate" and (o) "permit". These comments suggested substituting the words "official metal eartag" for "identification tag" in both sections, as that term is more specific in that official metal eartag is defined in the regulations. The Department agrees, and this change has been made in this final rule. They also called attention to the inconsistency of using two different terms in the two sections—"similar identification" and "similar individual identification" for the same thing. They believed the latter term, which appears in § 78.1(o), to be less confusing. Again, we believe this is a good suggestion, and in the final rule we have changed § 78.1(n) to read "similar individual identification". A few commenters asked that a "ranch brand" be added as acceptable identification for certificates and permits. However, these comments were not adopted since "individual" animal identification that is unique and nonduplicative is essential to such documents. Ranch brands are the same on all cattle of that brand owner and are therefore, not individual and unique animal identification.

A number of comments to § 78.1(o)(2), "Permit for entry", argued that to require oral permits to be confirmed in writing was unduly expensive and time consuming and served no program need. They suggested that records kept in the State animal health official's office, the issuance of instructions to test to field regulatory personnel, and the completed test records make written confirmation redundant. The Department agrees with these comments and, therefore, the final rule omits this requirement.

Several persons commented in connection with § 78.1(o)(3), " 'S' brand permits", that § 78.3(c) requires a copy of such documents to be sent to the State animal health official of the receiving State, but that the permit as described has no copies for such distribution. The "S" brand permit is a document that has been specifically created to utilize other documents that normally accompany the animals. Such "S" brand permits allow control over the large numbers of restricted destination, "S" branded animals. Since the Department subscribes to the belief that regulatory control must be no more burdensom on the regulated industry than is needed to accomplish the program goal and since the "S" brand permit merely repeats information on documents which already are accompanying the cattle, there is no need to require a copy to be sent to the State Animal Health Official. Therefore, the final rule has been amended to state that "S" brand permits are exempt from the provisions of § 78.3(c). This permit may be oral, in which case there are no copies, or if written, just as with the " 'S' brand permit", there are no copies to distribute.

In addition to this change, we have rephrased a portion of the regulation to clarify the fact that if an "S" brand permit is prepared at a quarantined feedlot, it may be prepared by an accredited veterinarian, a representative of the State animal health official, or by an official designated for the purpose by the State animal health official. This is in contrast to "S" brand permits issued elsewhere, which can only be issued by an accredited veterinarian or a representative of the State animal health official. Designated officials will be allowed only at quarantined feedlots.

A number of comments called attention to an incorrect word used to describe a positive reaction on a card test under § 78.1(p)(1)(i). The incorrect word "any" has, therefore, been replaced with the correct wording so that the sentence now reads: "Moderate to marked clumping agglutination reaction will be considered a positive

reaction." In fact, "any" agglutination reaction is not a positive reaction. Only moderate to marked clumping indicates a positive response. Slight or granular agglutination reactions would not be positive.

A number of comments objected seriously to the omission of what they believed is a key qualifying paragraph found in the program standards which delineates the role of the brucellosis epidemiologist(s) in determining final classification of an animal subjected to official tests, but which did not appear in the proposed rule. This paragraph makes the evaluation of all titer responses the responsibility of a trained epidemiologist and permits deviations from cited criteria. Therefore, that paragraph appears in the final rules in §§ 78.1(p)(1)(ix), (x)(1)(iv), (y)(1)(iii), and (z)(1)(iv). Adding this paragraph made necessary the adding of definitions for "epidemiology" and for "epidemiologist" as §§ 78.1(fff) and (ggg), respectively.

Section 78.1(r), "Validated Brucellosis Free State or Area for Swine" has been amended to clarify that the choice made by the State among different testing and surveillance procedures for purposes of qualification for such validation or for revalidation is based on procedures most appropriate to its marketing needs. The phrase "as chosen by the State as most appropriate to its marketing needs" is therefore, added to the ends of the second and third sentences of this definition, which concern qualification and revalidation. The phrase "adult breeding swine" has also been amended to delete the word "adult", which is unnecessary since swine capable of breeding are considered to be adult swine.

A number of comments felt the definition of "Classes of States", §§ 78.1 (t), (u), (v), and (w) was at variance with subsection (1)(B) of each individual definition of the different classes. Their comments revealed they interpreted the definition to require a herd blood test of all Market Cattle Identification (MCI) reactor herds of origin. Their comments correctly pointed out that the program standards require a herd blood test only when the epidemiologic investigation results require a herd blood test. In addition, the Department does not want to require unnecessary tests and only an epidemiologist on the scene can properly determine whether a test is needed. Accordingly, the qualifying phrase "when required by the results of the epidemiologic investigation" has been inserted in these paragraphs in this final rule.

A great number of comments objected to the proposed definition of a "brucellosis exposed animal" § 78.1(aa). These comments pointed out that the current program standards do not adopt this more restrictive (but more effective) definition. The comments pointed out that adoption of such a definition would require a major change in marketing procedures which would require a considerable period of time, perhaps years, to accomplish. The Department recognizes that the cooperation of the marketing industry is essential to the success of all program changes, but more especially to a change of this magnitude which directly affects them. The attempt at this time to eliminate the grace period would jeopardize the entire brucellosis control program. The Department, therefore, agrees that as removal of the 24 hour period during which animals may be in contact in marketing channels, but not be considered exposed, is not feasible at this time. The definition in the final rule reinstates the 24 hour exclusion found in the present regulations and in the current program standards. This final rule does, however, leave in the clarifying language which defines suspects, and animals in quarantined feedlots and quarantined pastures to be brucellosis exposed animals. The Department recognizes that in regulating interstate movement of animals, it must clearly define those animals whose movement is restricted under § 78.8.

Section 78.1(bb), "Herd" has been clarified by adding the phrase "under common ownership" to subparagraph (2). As previously written, § 78.1(bb)(2) would have included animals owned by neighbors with adjoining fields. It was obviously not intended to include animals in the same herd which belonged to different owners, and, therefore, this qualifying phrase is added.

Several comments called attention to an obvious scientific error in § 78.1(ll)(1). A parenthetical phrase appeared after "over six months of age" which described such animals as having lost the first pair of temporary incisor teeth. This was an error in that such animals do not lose these temporary incisor teeth until about 18 months of age and permanent incisor teeth do not replace the temporary incisor teeth until about 24 months of age. The final rule is therefore corrected to delete this phrase.

A few comments caught a typographical error in § 78.1(mm). The paragraph cited is actually § 78.22a not § 78.22. The "a" was inadvertently left off, but appears correctly in the final rule.

A number of comments called attention to a misleading sentence concerning branding of certain cattle upon entering a quarantined feedlot in § 78.1(oo) "Quarantined feedlot". The branding requirement is actually unnecessary. All animals are considered "exposed" upon entering a quarantined feedlot, and there is no reason to distinguish among different groups of animals entering the feedlot, as this regulation as proposed would have done. Therefore, this requirement is simply deleted.

A few comments noted that the program standards do not permit the interstate movement of cattle into quarantined pastures. They thought the definition of a quarantined pasture (§ 78.1(pp)) should state if such a movement is or is not permitted. As envisioned by the program planners, a quarantined pasture is in the category of a safety valve for an individual owner, or at most, a small community whose herd(s) are being devastated by brucellosis. Approval of a quarantined pasture for a herd owner or for the community would allow the infection to be contained, while at the same time allowing the animals to be put in marketable slaughter condition. It is not intended, as some comments assumed, to be a location to which anyone could ship cattle for whatever reason. By restricting entrance to those from within the State, the State animal health official can effectively maintain control of the quarantined pasture. In addition, the phrase "State and Veterinary Services animal health official" was changed to "State animal health official and Veterinarian in Charge" to make it clear that these are the individuals who must establish procedures for accounting for animals entering or leaving a quarantined pasture. Therefore, in the final rule, the following sentence has been inserted. "No cattle may be moved interstate into these quarantined pastures, which shall be restricted in use for cattle originating within the State." Finally, a sentence has been added to the definition stating that approval of a quarantined pasture may not last longer than 10 months. This time limit was not made clear in the proposal. This length of time is needed to clear the pasture completely of animals, including those born under the quarantine, and disease organisms. Any longer time would encourage owners to treat the quarantined pasture as permanent, which runs counter to the disease eradication program.

Several comments were received on the definition of an official metal eartag as defined in § 78.1(rr). Two areas of concern were expressed. One group of comments expressed the fear that eartags that meet the definition, but are not approved by USDA for legibility,

durability, tamper proofing, safety in application to both operator and animal, and other features, might be widely sold, causing harm to the program because of the problems possibly caused by them. We agree that approval would eliminate the possibility of this happening. Therefore, the final rule is changed to begin: "A Veterinary Services approved metal identification eartag * * *" The other group opf comments suggested the addition of an approved plastic bangle tag to the definition. There are some unsolved problems with this suggestion. Veterinary Services does have approved plastic bangle tags used for secondary or backup identification in infected herds. However, such tags have fewer than nine characters, which severely limits their ability to provide unique identification for each individual animal. Therefore, this suggestion is not adopted.

Section 78.1(ss), "Market cattle identification (MCI) test animals", has been clarified by replacing the final phrase "first point of concentration in market channels" with the words "first market, stockyard, or slaughtering establishment they reach". The Department believes that this more clearly explains when an animal in the MCI program must be identified by backtag or eartag.

A few comments about the definition of an official seal (§ 78.1(yy)) directed attention to an increasing use of plastic strips. The suggestion was made that the words "or plastic" should be inserted between "metal" and "strip." The final rule carries out this suggestion since the need is for a device that will plainly show the vehicle is in the same condition as when the journey began. Any material which performs this function is acceptable.

A number of comments were received on the proposed definition for finished fed heifers in § 78.1(zz). Some suggested changing various words in the title. Some suggested eliminating the words "full grain feed." Others suggested changing the number of days required on feed concentrates. Some suggested all of these. Apparently many overlooked entirely the opening wording: "Heifers in a quarantined feedlot * * *" because the comments were relevant to cattle in feedlots, but not to exposed cattle or heifers specifically. In response to these comments, the definition has been changed in many ways. First of all, there is no adequate definition of a "heifer". Second it is not the age or sex of the animal that is important, but whether it is ready for slaughter or not. Therefore, the definition has been changed to refer to "finished fed cattle". In addition, the requirement that the animals be fed 90 days on full grain feed has been changed to read that it shall be in a slaughter condition "equivalent to the slaughter condition which would be attained on full feed on a high concentrate grain ration for 90 days". Ninety days on full grain feed is the period required to bring poor to average animals to slaughter condition. However, as pointed out in comments, many quarantined feedlots do not feed high concentrate grain ration for a full 90 days, because many animals come to them in a good enough condition that full 90 days on grain is not needed to bring the animals to slaughter condition equivalent to 90 days on full grain feed, but finish their animals before that time. These changes bring this definition more in line with actual requirements and with industry practice. The Department believes the revised definition will retain the necessary control as explained in the proposed rule for final fed heifers.

A few comments noted that two essential terms in the proposed regulations were not defined. In order to remedy this, the terms are defined in the final rule. "Herd known to be affected", currently defined in § 78.1(a), is added as new § 78.1(aaa), but without the current reference to the UM&R. "Herd not known to be affected", currently defined in § 78.1(aa), is added as new § 78.1(bbb), but without the current reference to the UM&R. These references are unnecessary as the pertinent portions of the UM&R are being incorporated directly into these final regulations.

A number of comments expressed the opinion that additional definitions were needed. The Department agrees that relevant terms must be defined if the regulations are to be understandable and therefore successful. Therefore, based on these comments four new definitions are added in the final rule for clarification purposes.

Added as §§ 78.1(ccc) and (ddd) are definitions for "Parturient and Post Parturient." Although these terms are used in veterinary science and in animal husbandry circles, they have widely differing connotations. To make the terms enforceable in a regulation, such wide variances of interpretation have to be narrowed. Generally speaking, parturient refers to giving birth. In common usage it also refers to the period from the third trimester of gestation to the act of giving birth. For the purposes of this regulation, parturient is defined as "visibly prepared to give birth or within 2 weeks of giving birth", and post parturient is defined as already having given birth. Certain physical changes occur in the dam in the last 2 weeks of gestation which an observant husbandryman recognizes. It is in this period when there is the great risk of brucellosis being spread by the dam. As these regulations are intended to prevent the dissemination of brucellosis, "parturient" is defined as this short period prior to birth.

Also added is a definition for "Untested test-eligible cattle". Several comments expressed the belief that this term, as used in the regulations, required the testing of cattle from Class A and Class Free States, where such testing is not required. The Department found these comments to be valid. To avoid such conflicting requirements in the regulations, § 78.1(eee) is added to define the term. By definition in the final rule, the term refers only to those cattle of test eligible age which are required by § 78.9 to be tested. Cattle from Class A and Class Free States do not need to be tested because of the extreme unlikelihood they would be affected with brucellosis.

Finally, many comments requested that the terms "epidemiologist" and "epidemiology" be defined. The Department agrees that definitions of words frequently used in the regulations are needed. Therefore, § 78.1(fff) defines the term "epidemiology" as "the branch of medical science that deals with the incidence, distribution, and control of disease in the animal population." Similarly, § 78.1(ggg) defines "epidemiologist" as it relates to Part 78. According to the definition, this person must be a veterinarian who has had special training, such as a Masters Degree or a Department sponsored course in epidemiology.

A definition for the word "Originates" has also been added as § 78.1(hhh). This is needed to clarify the meaning of this term, which appears frequently in the regulations. The definition reads: "Having been moved to the premises or herd indicated from a State/Area of equal or higher class, or having been born in the herd indicated, or having been moved to the premises or herd indicated from a State/Area of lower class and kept on the premises or in the herd indicated for not less than 4 months prior to the movement in question. The 4 month waiting period prior to shipment is needed for cattle moving to a premises or herd from a State/Area of lower class in order to take into account the incubation period for brucellosis.

A number of comments were received on § 78.8(a)(3)(iv). These comments

suggested that the official seal numbers should be required to be recorded on the permit. This would make it easier to keep track or trace cattle moving under permit. The Department agrees. Accordingly, this statement has been added in the final rule.

A number of comments addressed the requirement in § 78.8(a)(3)(i) for "S" branding of cattle before they leave the quarantined feedlots. Comments were directed to the fact that quarantined feedlots legally have many animals which have not been "S" branded. For example, cattle under 18 months of age from herds not known to be affected, cattle from Class A and Class Free States, tested cattle from Class B and Class C States, and cattle from Certified Free herds may all enter quarantined feedlots without being "S" branded. The comments also pointed out that the "S" branding of these hundreds of thousands of cattle would not only be expensive and time consuming, if not physically impossible, but would serve no useful purpose when these cattle are moving directly from the quarantined feedlot to a recognized slaughtering establishment. The Department recognizes the validity of these comments inasmuch as finished fed heifers will be exempt from the "S" branding requirement in the same circumstances. Therefore, the final rule has added to § 78.8(a)(3) a new paragraph (v) which reads as follows: "If they are moving directly from a quarantined feedlot to a recognized slaughtering establishment non-'S' branded cattle will not be required to be 'S' branded prior to movement."

Some of the same commentors also objected to the requirements of §§ 78.8(a) (1), (2) and (3). They felt the same privileges extended to "finished fed heifers" should be extended to all cattle in quarantined feedlots. As previously discussed, the definition now reads "Finished fed cattle". However, beyond this extension of the originally proposed definition for "Finished fed heifers", the Department believes that such exposed incubating animals must be under minimum controls, at the very least. The Department does not require "S" branding, but believes the requirement for permits and individual identification to be neither excessively time consuming nor physically impossible for those cattle moving other than directly to a recognized slaughtering establishment. The USDA backtag may be used as an acceptable identification, which means that cattle do not need to be confined to apply or read metal or plastic identification eartags. Properly organized, cattle can be identified with glued-on USDA backtags while in the loading process, thus facilitating compliance without serious delay in shipping. The allowance in the proposed rule for use of an "S" brand permit means that the more time consuming VS Form 1–27 need not be used, and permits a large feedlot to have a designated employee appointed for preparing the permit. When a VS Form 1–27 is required, a State or Federal employee or an accredited veterinarian is also required to be present to prepare it. The Department believes further relaxing of restrictions on these potentially dangerous animals is not justified. In fact, a number of comments actually requested requiring tighter controls by specifically requiring all cattle in quarantined feedlots to be "S" branded, identified with an official metal eartag, and permitted to slaughter only on a fully completed VS Form 1–27. The Department does not believe that such controls are necessary, but instead believes the final rule will serve to control these exposed animals without placing unbearable burdens on quarantined feedlot operators.

Several comments objected to allowing any brucellosis-exposed animals to be moved other than to immediate slaughter or to a quarantined feedlot, as provided in § 78.8(c)(1). These comments requested that this section be removed entirely, although the greatest objection was to the provision permitting official vaccinates under 12 months of age and steers and spayed heifers of any age in a herd known to be affected with brucellosis to be moved without restrictions, provided the herd was following an approved individual herd plan. The Department shares the concerns expressed; however, at this time there is insufficient data to support such restrictions on these cattle. The program standards permit this type of movement for the time being. Comments from the States having the highest incidence of brucellosis characterized this type of movement as being essential to the survival of the program in their States until the incidence is lowered. Without the ability to move these yearlings, primarily to feedlots or to grazing pastures, herd owners would be unable to care for the increased herd, thereby creating an atmosphere not conducive to further cooperation in the program. Therefore, the Department is rejecting the comments asking for removal of this section at this time.

Several comments pointed out that those moving cattle might be misled about the total requirements if they read only § 78.9. The comments pointed out that many of the cattle would also be required to comply with § 71.18. Accordingly, the final rule carries a revised introductory statement cautioning that cattle must also be moved in compliance with § 71.18, except where specifically exempted.

Many comments called attention to an unintentional use of the qualifying phrase "from a farm of origin" near the beginning of §§ 78.9 (a), (b), (c), and (d). This phrase changed the meaning by appearing to restrict all movements to those from farms of origin. From the point-of-view of an effective disease control program this is simply unnecessary, and cattle from any source may move as indicated in the general provisions of these subsections. The situations where it is important whether animals come from a farm of origin or not are covered specifically in other subsections of §§ 78.9 (a), (b), (c), and (d). This phrase is, therefore, removed in the final rule.

A number of comments objected to the apparent requirement in § 78.9(a) for cattle which originate in Class Free States and Areas to be accompanied by a certificate to move to slaughter as unnecessary. That paragraph has been rewritten to provide specifically for movements either directly to slaughter, or via a specifically approved stockyard for sale to a recognized slaughtering establishment without certificates. No certificates are needed for these animals have been disease-free for at least 4 months. The same comments called attention to the omission of any provisions for interstate movement without change of ownership in normal ranching operations. This is already provided for in Class A States and Areas. As there is no reason to restrict animals from Class Free States, that provision is included in the final rule for Class Free States in § 78.9(a).

Some comments noted that the introductory statements to §§ 78.9 (b), (c), and (d) omitted the following qualifying statement used elsewhere when referring to official calfhood vaccinates exempt from testing requirement: "unless (or if) they are parturient or post parturient." These animals should be tested, not exempted from the testing requirements, because, in their condition, if they are diseased, they are more dangerous to other cattle. Brucellosis spreads most easily from calving animals and those which have just calved. Therefore, the final rule adds the qualifying statement to the first sentence of each of these sections.

Some comments noted the omission of paragraphs regulating movement of cattle "from other than a farm of origin" in both §§ 78.9(b) (1) and (2). These

sections cover movements of cattle from Class A States to immediate slaughter and to quarantined feedlots. Only movements from farms of origin were provided for in the proposal. Therefore, this omission is corrected in the final rule by adding provisions to cover animals moving from other than farms of origin for immediate slaughter and to quarantined feedlots as new subparagraphs under (ii), both §§ 78.9(b)(1) and (2). The Department had intended to provide for such movements but inadvertently omitted them in preparing the proposed rule for publication in the **Federal Register**. The new subparagraph (ii) will read as follows:

> Such cattle from other than a farm of origin may also be moved interstate directly to a recognized slaughter establishment or through no more than one specifically approved stockyard and then directly to a recognized slaughtering establishment without being tested for brucellosis if identity to the Class A State is maintained by means of identification tag numbers appearing on sale records showing the consignor or by penning animals from one farm or State apart from other animals.

Some persons also suggested that under § 78.9(a) and § 78.9(b)(3)(iv) it should be made clear whether § 71.18 would also apply. Since the Department fully intends to permit normal ranching movements without undue regulatory restrictions, and as the requirements in § 78.18 for backtags and an owner's statement are unnecessary for cattle which are moving interstate without change of ownership during the course of normal ranching operations, § 71.18 is amended to provide this exemption.

Some persons observed that under § 78.9(c)(1)(i), and (d)(1)(i), and (ii) and the wording "direct movement" or "for movement" following the words "specifically approved stockyard for sale", indicated that the "S" branding exemption permitted for cattle moving from a farm of origin to such places also applied to movements from such stockyards to either slaughter or quarantined feedlots. However, exemptions cannot be granted for cattle moving under circumstances that do not ensure they will arrive at slaughter. Cattle moving from stockyards to slaughter or quarantined feedlots, unless they are accompanied by a VS Form I–27 and moved in sealed vehicles, are subject to diversion and may not arrive at their proper destination. Therefore, the final rule requires that they be "S" branded, to help ensure their arrival at slaughter or quarantined feedlots. These sections were also amended to allow certain officially vaccinated and sexually immature animals being moved from nonquarantined feedlots to be moved in the same way as animals "from a farm of origin". This is in response to comments which felt the proposal was unduly restrictive as regards to these animals. As indicated in the proposal these animals do not need to be "S" branded or accompanied by an "S" brand permit if they move direct to slaughter. Sexually immature animals and official vaccinates have considerable resistance to brucellosis, and sexually immature animals are unlikely to contract the disease. Finally, if they are moving directly to slaughter, they would not normally come in contact with other herds, thereby limiting chances of spreading brucellosis if they were infected.

A number of comments noted the absence in § 78.9(c)(3) of a provision found in the program standards allowing the involved State animal health officials to waive the annual test required in § 78.9(c)(3)(iv) for cattle moving interstate without change of ownership in the course of normal ranching operations. The Department agrees with the comments that the State animal health officials involved have at their disposal information that qualifies them to decide whether such a waiver should be made. They have information considering location of infected herds and their infection rates. If the only infected herds were hundreds of miles from the herd in question, a waiver would be granted. Therefore, § 78.9(c)(3)(v), permitting such waiver with the written concurrence of the State animal health officials of each involved State, has been added to the final rule.

A number of comments questioned the completeness of § 78.9(d)(1)(iii), noting that the program standards encourage testing cattle in lieu of "S" branding cattle from other than farms of origin moving to immediate slaughter. It appears that a typographical error omitted a full line, causing the proposed rule to be incomplete. With the omitted material underlined, § 78.9(d)(1)(iii) in the final rule correctly reads: "Such cattle from other than a farm of origin may also be moved interstate directly to a recognized slaughtering establishment if *they have been tested negative within 30 days prior to movement, or if* they are "S" branded and are accompanied by an "S" brand permit." The test assures that they are not diseased and the "S" branding requirement helps ensure they are not diverted from their destination. The same typographical error also occurred in § 78.9(d)(2)(ii) and is corrected in the final rule.

Other comments concerned the completeness of § 78.9(d)(3)(ii) and pointed out a conflict in requirements in this section with the introductory paragraph of § 78.9(d). Omitted in § 78.9(d)(3)(ii) inadvertently was the qualifying phrase "under 18 months of age" after "Such cattle * * *". This phrase has been inserted in the final rule. A new § 78.16(c) is proposed to allow brucellosis exposed bison calves to move under the same conditions as brucellosis exposed bovine calves. Bison and cattle are subject to brucellosis and transmit it to each other and to animals of their own species in similar ways. There is, therefore, no reason to treat bison calves differently than bovine calves.

In § 78.20, a few comments noted that no States were listed. The preamble in the proposed rule, however, had commented that, "Actual State classifications would be added later." As discussed previously, the regulations have been changed to permit two area classifications within one State. The final rule reflects this change in classification by changing the heading in § 78.20 to read State/Area classifications. Since the Department has now assigned classifications to States, they have been inserted into §§ 78.20 (a), (b), (c), and (d) in the final rule.

A few comments questioned whether the body of § 78.22a, "Quarantined Areas", was correct. Listing of the entire State of Texas they believed was incorrect since a Texas court order removed the necessity for quarantining Texas. Further investigation of these comments shows that an amendment to Part 78 was published in the **Federal Register** on December 24, 1975, listing the entire State of Texas as a quarantined area with an effective date of January 5, 1976. However, on January 5, 1976, this effective date was postponed to January 9, 1976. Another amendment to Part 78, which was effective on January 8, 1976, was published in the **Federal Register** on January 14, 1976, postponing indefinitely the effective date of the designation of Texas as a quarantined area pending further orders of the District Court in Texas. Since then § 78.22a has continued, erroneously, to list Texas as a quarantined area. The Department intended to correct this error in its proposed regulations. However, in the supplementary information section of the proposed rule, the entire section discussing changing § 78.22a to § 78.22 and deleting the listing of Texas was inadvertently deleted. Therefore, the final rule renumbers the section on Quarantined Areas from § 78.22a to § 78.22, amends the list of quarantined

areas to read following the colon: "None".

One comment called attention to a typographical error causing § 78.25 to read as § 78.25a. This typographical error is corrected in the final rule.

This section is also changed from the proposed rule to read:

(a) The Deputy Administrator, Veterinary Services, is authorized to amend § 78.20 to reclassify States and Areas from a lower class as Class Free, Class A, Class B, or Class C, when he determines that the areas come within the appropriate definitions in §§ 78.1 (t), (u), (v), or (w). In the case of any reclassification to a lower class the State Animal Health Official of the State involved will be notified of such downgrading, and shall be given an opportunity to request an administrative review to present his objections and arguments to the Deputy Administrator prior to the downgrading taking effect.

This amendment is necessary to clarify the fact that reclassifications from a lower class must meet the definitions for the new higher class. This includes the requirement that the State animal health official and the Veterinarian in Charge must certify that the State or Area meets the appropriate definition. This amendment is also necessary to allow States affected by downgradings, which do not require the certification of the State animal health official and the Veterinarian in Charge, to present any arguments they may have against such reclassification. In addition, this amendment is needed to account for the fact that States and Areas have been designated according to their brucellosis status classification, and that any further classification decisions will involve not designations, as indicated by the originally proposed language, but reclassifications.

In addition to all of the above-described changes, other editorial and non-substantive changes have been made for clarity.

Finally, the proposal included changing §§ 78.14, 78.16, 78.17 and 78.18, to remove the word "Area" and replace it with the word "State". However, these sections, as now worded, are already in accordance with these final regulations. Therefore those proposed changes are deleted.

List of Subjects in 9 CFR Part 78

Animal diseases, Bison, Brucellosis, Cattle, Hogs, Quarantine, Transportation.

PART 78—BRUCELLOSIS

For the reasons set forth above, Part 78, Title 9, Code of Federal Regulations is amended as follows:

1. The authority citation for Part 78 reads as follows:

Authority: Secs. 4, 5, 7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791–792, as amended: sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111–113, 114a–1, 115, 120, 121, 125, 134b, 134f); 37 FR 28464, 28477, 38 FR 19141, unless otherwise noted.

2. Section 78.1 is revised to read as follows:

§ 78.1 Definitions.

As used in this part, the following terms shall have the meanings set forth in this section except as otherwise specified.

(a) *Brucellosis.* The contagious, infectious, and communicable disease caused by bacteria of the genus Brucella. It is also known as Bangs disease, undulant fever, and contagious abortion.

(b) *Veterinary Services.* Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture.

(c) *Deputy Administrator.* The Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, or any other Veterinary Services official to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(d) *Veterinarian in Charge.* The veterinary official of Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, who is assigned by the Deputy Administrator to supervise and perform the official animal health work of the Animal and Plant Health Inspection Service in the State concerned.

(e) *Veterinary Services representative.* A veterinarian or other person employed by Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, who is authorized to perform the function involved.

(f) *State animal health official.* The State animal health official responsible for livestock and poultry disease control and eradication programs.

(g) *State representative.* A veterinarian or other person regularly employed in livestock sanitary work of a State or a political subdivision thereof, and who is authorized by such State or political subdivision to perform the function involved under a cooperative agreement with the United States Department of Agriculture.

(h) *Accredited veterinarian.* An accredited veterinarian as defined in Part 160 of this chapter.

(i) *State.* Any State, the District of Columbia, Puerto Rico, the Virgin Islands of the United States, or Guam.

(j) *Area.* That portion of any State, the District of Columbia, Puerto Rico, the Virgin Islands of the United States, or Guam which has a separate brucellosis classification under this Part.

(k) *Person.* Any individual, corporation, company, association, firm, partnership, society, or joint stock company or other legal entity.

(l) *Interstate.* From any State into or through any other State.

(m) *Moved.* Shipped, transported, or otherwise moved, or delivered or received for movement.

(n) *Certificate.* An official document issued by a Veterinary Services representative, State representative, or accredited veterinarian at the point of origin of a shipment of domestic animals which shows the official metal eartag, individual animal registered breed association registration tattoo, or individual animal registered breed association registration brand, or registration number or similar individual identification of each animal to be moved, the number of animals covered by the document, the purpose for which the animals are to be moved, the points of origin and destination, the consignor, and the consignee, and which states that the animal or animals identified on the certificate meets the requirements of 9 CFR Part 78 for interstate movement.

(o) *Permit.*

(1) *Permit (VS Form 1–27 or comparable state form)*—Except for the terms "permit for entry" and "S brand permit," a permit shall mean an official document issued by a Veterinary Services representative, State representative, or accredited veterinarian which is required to accompany "B" branded cattle and bison (or exposed animals moved under official seal). It shall list one of the following: the official metal eartag, individual animal registered breed association tattoo, USDA backtag (when applied serially, only the beginning and the ending numbers need be recorded), registered breed association registration number, or similar individual identification. It shall also list the reactor tag number, owner's name and address, origin and destination locations, number of animals covered, and the purpose of the movement. If a change in destination is desired or becomes necessary, a new permit must be obtained.

(2) *Permit for entry*—A premovement authorization for entry of cattle into a State from the animal health official of the State of destination. It may be oral or written.

(3) *"S" Brand permit*—Any document which is required to accompany animals required to be moved to a quarantined feedlot, or to slaughter, or to an approved stockyard for sale for movement to slaughter. It must show the origin, the destination, the number of restricted cattle, the purpose of the movement, or one of the following: the official metal eartag, individual animal registered breed association tattoo, individual registered breed association registration number, USDA backtag (when applied serially, only the beginning and the ending number need be recorded), or similar individual identification. It shall be prepared at the point of origin. If it is prepared at a quaranteed feedlot, it shall be prepared by an accredited veterinarian, a representative of the State animal health official, or an official designated for that purpose by the State animal health official. If it is prepared at any other point of origin, it shall be prepared by an accredited veterinarian, or a representative of the State animal health official. The original shall accompany the animals and shall be delivered to the receiving agent at destination.

(p) *Official test.* (1) *Classification of cattle and bison.*

(i) *Card test*—Card test results are classified as either negative or positive. The card test is to be used as an official test to classify animals as reactors in livestock markets within a State when the State animal health official specifically designates the card test as the official test in livestock markets in his State. Moderate to marked clumping agglutination reaction will be considered a positive reaction.

(ii) *Standard tube test (STT) or standard plate test (SPT).* The blood titers of animals tested by the STT or SPT methods are classified by use of the following:

Official vaccinates				All others			
1:50	1:100	1:200		1:50	1:100	1:200	
–	–	–	NEGATIVE	–	–	–	NEGATIVE
I	–	–	NEGATIVE	I	–	–	SUSPECT
+	–	–	NEGATIVE	+	–	–	SUSPECT
+	I	–	SUSPECT	+	I	–	SUSPECT
+	+	–	SUSPECT	+	+	–	REACTOR
+	+	I	SUSPECT	+	+	I	REACTOR
+	+	+	REACTOR	+	+	+	REACTOR

(iii) *Complement-fixation test (CF).*

(A) Interpretation for all nonvaccinated test-eligible animals:

(*1*) Fifty percent fixation (2 plus) in a dilution of 1:20 or higher—reactor.

(*2*) Fifty percent fixation (2 plus) in a dilution of 1:10 but less than 50 percent fixation (2 plus) in a dilution of 1:20—suspect.

(*3*) Less than 50 percent fixation (2 plus) in a dilution of 1:10—negative.

(B) Interpretation for all test-eligible vaccinated cattle including adult vaccinated animals beginning 2 months postvaccination:

(*1*) Twenty-five percent fixation (1 plus) in a dilution of 1:40 or higher—reactor.

(*2*) Fifty percent fixation (2 plus) in a dilution of 1:10 but less than 25 percent fixation (1 plus) in a dilution of 1:40—suspect.

(*3*) Less than 50 percent fixation (2 plus) in a dilution of 1:10—negative.

(iv) *Rivanol test.* Complete agglutination at dilutions of 1:25 or more is classified as a reactor. Less than complete agglutination at 1:25 is negative. There is no suspect classification with rivanol. Within 5 months postvaccination of adult animals, a less than complete agglutination at the 1:50 dilution is negative.

(v) *Semen plasma test.* The semen plasma test is approved as an official test in bulls used for artificial insemination when used in conjunction with another official serological test. The classification of such animals shall be based on the maximum agglutination titer of either the serological test or the semen test.

(vi) *Buffered acidified plate antigen presumptive test.* Buffered acidified plate antigen tests may be used to classify animals negative on surveillance samples collected at slaughter and at livestock markets.

(vii) *Rapid screening test (RST).* The RST may be used for classifying animals negative in State-Federal laboratories.

(viii) *Milk ring test (also known as Brucellosis Ring Test or BRT).* The milk ring tests conducted on composite milk samples from entire dairy herds are classified as either negative or suspicious (positive). Negative BRT tests classify herds, which are not quarantined as brucellosis affected, as negative for public health ordinances and for surveillance purposes. Herds classified as suspicious require a whole herd blood test to determine the animal and herd status.

(ix) The evaluation of titer responses for all cattle and bison shall be the responsibility of an epidemiologist(s) who has been designated to perform and/or supervise this function in each of the States. He shall take into consideration the animal and herd history and other epidemiologic considerations when making his evaluation. Deviations from the above reactor criteria are acceptable when made by the designated epidemiologist.

(2) *Classification of Swine.*

(i) *Card test*—Card test results are classified as either negative or positive. Moderate to marked clumping agglutination reaction is considered positive.

(ii) *Standard tube test*—The blood titers of swine tested by the STT method are classified as follows:

(A) If there are no animals on test with titers greater than Incomplete at, 1:100, if it is not a retest of an infected herd, if it is a complete herd test, or if it is an incomplete test of a validated herd, then use the following: (Animals with a complete titer at 1:100 would be considered reactors.)

1:25	1:50	1:100	
I	–	–	NEGATIVE
+	–	–	NEGATIVE
+	I	–	NEGATIVE
+	+	–	NEGATIVE
+	+	I	NEGATIVE

(B) If there are one or more animals on test with a titer greater than incomplete at 1:100, or if it is a retest of an infected herd, or if it is an incomplete test of a herd of unknown status, then use the following:

1:25	1:50	1:100	
I	–	–	NEGATIVE
+	–	–	REACTOR
+	I	–	REACTOR
+	+	–	REACTOR
+	+	I	REACTOR
+	+	+	REACTOR

(q) *Certified Brucellosis-Free Herd.* A herd of cattle which has qualified for and has been issued a Certified Brucellosis-Free Herd Certificate signed by both the appropriate State animal health official and by the Veterinarian in Charge. A herd may qualify by either of the following methods:

(1) In the case of a dairy herd, by conducting a minimum of three consecutive negative milk ring tests at not less than 90-day intervals, followed by a negative herd blood test conducted within 90 days after the last negative milk ring test; or

(2) By conducting at least wo consecutive negative blood tests of all test-eligible cattle. Tests shall not be less than 10 months nor more than 14 months apart. The status will remain in effect for 12 months beginning with the date of the qualifying herd blood test. A negative blood test of all test-eligible cattle must be conducted within 10 to 12 months of the last certification date for continuous status. Lapsed certification may be reinstated if one herd test is conducted within 14 months of the last certification test date. If a herd is decertified because diseased animals are found, it may be recertified only by repeating the entire certification process.

(r) *Validated Brucellosis-Free Herds of Swine.* Swine herds which are validated as brucellosis free by having one negative herd test of all breeding swine 6 months of age and over in the herd. Revalidation shall be done by a negative test of all breeding swine 6 months of age or over in the herd conducted within 10 to 14 months of the last validation test date or by showing that least 20 percent of the breeding swine in the herd were tested under a market swine testing program (MST) during the year and that at least one-half of the MST sampling occurred during the last 6 months of the validation period, or that all breeding swine 6 months of age or over in the herd are tested in groups according to an approved individual herd plan with each breeding animal tested at least once during the 1-year validation period.

(s) *Validated Brucellosis Free State for Swine.* A State which meets the minimum procedural and qualifying standards and has necessary authorities for classification as a Validated Brucellosis Free Area and which has been certified as such by the appropriate State animal health official, by the Veterinarian in Charge, and by the Deputy Administrator. A State or Area qualifies when it has not diagnosed a case of swine brucellosis in the preceding 12 months and a statistical analysis of combined test results of Market Swine Testing program (MST), change of ownership testing, farm validation tests, and diagnostic tests conducted during the period shows an effect equivalent to either complete herd testing or slaughter surveillance during a one or two year period, as chosen by the State as most appropriate to its marketing needs. Revalidation may be obtained by either herd testing, slaughter surveillance, or combined surveillance, as chosen by the State as most appropriate to its marketing needs.

(t) *Class Free State or Area.* A State or Area which meets standards for classification as a Class Free State or Area and which has been certified as such, on initial classification or on reclassificaiton from a lower class, by the State Animal Health Official, by the Veterinarian in Charge, and by the Deputy Administrator. Reclassification to a lower status can be made by the Deputy Administrator after notice and opportunity to be heard is given to the State. All cattle herds in the State or Area in which brucellosis has been known to exist must be released from quarantine, pursuant to appropriate State law, prior to classification. In addition, if any herds of other species of domestic livestock have been found to be infected with brucellosis or are suspected to be infected with brucellosis, they must be tested negative, slaughtered, or quarantined prior to such designation, so that no known foci of infection in any species is left uncontrolled. The following are the standards to attain the maintain Class Free Status.

(1) *Surveillance.*—(i) *Milk ring test (BRT)*—The milk ring test of dairy herds shall be conducted at least four times per year at approximately equal intervals on all dairy herds in the State or Area.

(ii) *Market cattle identification program (MCI).*—(A) *Coverage*—All State or Federally inspected slaughtering establishments in the State or Area must participate in the Market Cattle Identification program. The rate of sampling of test-eligible market cattle shall be at least 95 percent at each State or Federally inspected slaughtering establishment.

(B) *Reactors*—At least 90 percent of all reactors found in the course of market cattle testing (including card test positive animals with or without supporting serologic test results) must be traced to herd of origin and an epidemiologic investigation conducted by State or Veterinary Services representatives within 15 days of their official notification by the cooperative State-Federal laboratory. Herd blood tests when required by the results of the epidemiologic investigation, must be conducted within 30 days of official notification of market cattle test reactors and quarantine issuance or the herds are to continue to be confined to the premises under quarantine.

(iii) *Epidemiologic surveillance.*—(A) *Adjacent herds*—All adjacent herds or other herds having contact with cattle in a reactor herd shall be placed under quarantine and have an approved action plan for testing or minitoring the herd(s) in effect within 15 days after notification by State or Veterinary Services representatives of reactors in the herd.

(B) *Epidemiologically traced herds*—All herds from which cattle are sold into an infected herd and all herds which have received cattle from an infested herd shall be placed under quarantine and have an approved action plan or other individual herd plan for testing or monitoring the herd in effect within 15 days of locating the source herd(s) or recipient herd(s).

(2) *Herd infection rate.* (i) The State or Area must remain free from field strain *B. abortus* infection for 12 consecutive months or longer to qualify.

(ii) An epidemiologic investigation of each herd having reactor cattle after designation as a Class Free State or Area shall be conducted within 15 days of finding the reactors to identify the possible sources of infection. All possible sources shall be contacted within 15 days to determine appropriate action. If such investigation is not conducted, the State or Area's classification will be changed to Class A or lower as appropriate.

(3) *MCI reactor prevalence rate.* States or Areas must maintain a 12 consecutive months adjusted MCI reactor prevalence rate not to exceed one reactor per 2,000 cattle tested (0.050 percent). The MCI reactor rate will be adjusted for out-of-State or out-of-Area cattle, recordkeeping errors, and animals traced to either infected herds or herds with negative tests.

(u) *Class A State or Area.* A State or Area which meets standards for classification as a Class A State or Area and which has been certified as such, on initial classification or on reclassification from a lower class, by the State Animal Health official, by the Veterinarian in Charge, and by the Deputy Administrator. Reclassification to a lower class can be made by the Deputy Administrator after notice and opportunity to be heard is given to the State animal health official. The following are the standards to attain and maintain Class A status.

(1) *Surveillance.*—(i) *Milk ring test (BRT)*—The milk ring test shall be conducted on all dairy herds in the State or Area at least four times per year at approximately equal intervals.

(ii) *Market cattle identification program.*—(A) *Coverage*—All State or Federally inspected slaughtering establishments in the State or Area must participate in the Market Cattle Identification program. The rate of sampling of test-eligible market cattle shall be at least 95 percent at each State

or Federally inspected slaughtering establishment.

(B) *Reactors*—A minimum of 90 percent of the reactors (including card test positive animals with or without supporting serologic test results) must be traced to the herd of origin and an epidemiologic investigation conducted by State or Veterinary Services within 15 days of their official notification by the cooperative State-Federal laboratory. Herd blood tests, when required by the results of the epidemiologic investigation, must be conducted within 30 days of official notification by State or Veterinary Services of market cattle test reactors or the herds are to be confined to the premises under quarantine.

(iii) *Epidemiologic surveillance.*—(A) *Adjacent herds*—All adjacent herds or herds having contact of cattle with the reactor herd shall have an approved action plan for testing or monitoring the herd in effect within 15 days of notification of infection in the reactor herd.

(B) *Epidemiologically traced herds*—All herds from which cattle are sold into an infected herd and all herds which have received cattle from an infected herd shall have an approved action plan for testing or monitoring the herd in effect within 15 days of locating the source herd(s) or recipient herd(s).

(2) *Herd infection rate.* (i) States or Areas must not exceed a herd infection rate, based on the number of reactors found within the State or Area during any 12 consecutive months, due to field strain *B. abortus* of 0.25 percent or 2.5 herds per 1,000, except in states with 10,000 or fewer herds. A special review by the Deputy Administrator will be made to determine if such small herd population States would qualify for Class A status. Locations of herds, sources of current infections, and control measures taken by the State will be considered.

(ii) An epidemiologic investigation of each herd with reactor cattle shall be conducted to identify the possible sources of infection by State or Veterinary Services representatives within 15 days of being notified that reactor cattle have been found by the cooperative State-Federal laboratory. All such possible sources shall be contacted within an additional 15 days to determine appropriate action.

(3) *MCI reactor prevalence rate.* The State or Area must maintain a 12 consecutive months adjusted MCI reactor prevalence rate not to exceed one reactor per 1,000 cattle tested (0.10 percent). The MCI reactor prevalence rate will be adjusted for out-of-State and out-of-Area cattle, recordkeeping errors, and animals traced to either infected herds or herds with negative tests.

(v) *Class B State or Area.* A State or Area which meets standards for classification as a Class B State or Area and which has been certified as such, on initial classification or on reclassification from a lower class, by the State Animal Health Official, by the Veterinarian in Charge, and by the Deputy Administrator. Reclassification to a lower class can be made by the Deputy Administrator after notice and opportunity to be heard is given to the State. The following are the standards to attain and maintain Class B status.

(1) *Surveillance.*— (i) *Milk ring test (BRT)*—The milk ring test shall be conducted on all dairy herds in the State or Area at least four times per year at approximately equal intervals.

(ii) *Market cattle identification program.*—(A) *Coverage*—All State or Federally inspected slaughtering establishments in the State or Area must participate in the Market Cattle Identification program. The rate of sampling of test-eligible market cattle shall be at least 95 percent at each State or Federally inspected slaughtering establishment.

(B) *Reactors*—A minimum of 80 percent of the reactors (including card test positive animals (with or without supporting serologic test results)) must be traced to the herd of origin and an epidemiologic investigation conducted by State or Veterinary Services representatives within 30 days of their being officially notified by the cooperative State-Federal laboratory of the finding of reactor cattle. Herd blood tests, when required by the results of the epidemiologic investigation, must be conducted within 30 days of such official notification of market cattle test reactors or the herds are to be confined to the premises under quarantine.

(iii) *Epidemiologic surveillance.*—(A) *Adjacent herds*—All adjacent herds or herds having contact of cattle with the reactor herd shall have an approved action plan for testing or monitoring the herd in effect within 45 days of notification of infection in the reactor herd.

(B) *Epidemiologically traced herds*—All herds from which cattle are sold into an infected herd and all herds which have received cattle from an infected herd shall have an approved action plan for testing or monitoring the herd in effect within 45 days of locating the source herd(s) or recipient herd(s).

(2) *Herd infection rate.* (i) States or Areas must not exceed an accumulated 12 consecutive months herd infection rate, based on the number of reactors found within the State/Area during that period, due to field strain *B. abortus* of 1.5 percent or 15 herds per 1,000 except in states with 1,000 or fewer herds. A special review by the Deputy Administrator will be made to determine if such small herd population States qualify for Class B status. Locations of herds, sources of current infections, and control measures taken by the State will be considered.

(ii) An epidemiologic investigation of each herd with reactor cattle in it shall be conducted by State or Veterinary Services representatives within 45 days of their notification by the cooperative State-Federal laboratory of the finding of reactor cattle to identify the possible sources of infection. All such possible sources shall be contacted within an additional 30 days to determine appropriate action, to maintain Class B status.

(3) *MCI Reactor prevalence rate.* The State or Area must maintain a 12 consecutive months adjusted MCI reactor prevalence rate not to exceed three reactors per 1,000 cattle tested (0.30 percent). The MCI reactor prevalence rate will be adjusted for out-of-State and out-of-Area cattle, recordkeeping errors, and animals traced to either infected herds or herds with negative tests.

(w) *Class C State or Area.* A State or Area which meets standards for classification as a Class C State or Area and which has been certified as such, on initial classification or on reclassification from being quarantined, by the State Animal Health Official, by the Veterinarian in Charge, and by the Deputy Administrator. Reduction in status to "quarantined" can be made by the Deputy Administrator after notice and opportunity to be heard is given to the State. The following are the standards to attain and maintain Class C status.

(1) *Surveillance.*— (i) *Milk ring test (BRT)*—The milk ring test shall be conducted on all dairy herds in the State or Area at least four times per year at approximately equal intervals.

(ii) *Market cattle identification program.*—(A) *Coverage*—All State or Federally inspected slaughtering establishments in the State or Area must participate in the Market Cattle Identification program. The rate of sampling of test-eligible market cattle shall be at least 95 percent at each State or Federally inspected slaughtering establishment.

(B) *Reactors*—A minimum of 80 percent of the reactors (including card test positive animals with or without supporting serologic test results) must be traced to the herd of origin and an

epidemiologic investigation conducted by State or Veterinary Services representatives within 30 days of their official notification by the cooperative State-Federal laboratory that reactors have been found. Herd blood tests, when required by the results of the epidemiologic investigation, must be conducted within 30 days of such official notification of market cattle test reactors or the herds are to be confined to the premises under quarantine.

(iii) *Epidemiologic surveillance.*—(A) *Adjacent herds*—All adjacent herds or herds having contact of cattle with the reactor herd shall have an approved action plan for testing or monitoring the herd in effect within 45 days of notification of infection in the reactor herd.

(B) *Epidemiologically traced herds*—All herds from which cattle are sold into an infected herd and all herds which have received cattle from an infected herd shall have an approved action plan for testing or monitoring the herd in effect within 45 days of locating the source herd(s) or recipient herd(s).

(2) *Herd infection rate.* (i) A State or Area with 1,000 or more herds having an accumulated 12 consecutive months herd infection rate, based on the number of reactors found within the State/Area during that period, due to field Strain *B. abortus* exceeding 1.5 percent or 16 herds or more per 1,000 is a Class C State or Area. A special review will be conducted by the Deputy Administrator in a State with a smaller herd population but with a herd infection rate exceeding 1.5 percent to determine if it should be included as a Class C State. Locations of herds, sources of current infections, and control measures taken by the State will be considered.

(ii) An epidemiologic investigation of each herd with reactor cattle shall be conducted by State or Veterinary Services representatives within 45 days of their notification by the Cooperative State-Federal laboratory of the finding of reactor cattle to identify the possible sources of infection. All such possible sources shall be contacted to determine appropriate action within an additional 30 days.

(3) *MCI reactor prevalence rate.* The State or Area 12 consecutive months adjusted MCI reactor prevalence rate exceeds three reactors per 1,000 cattle tested (0.30 percent). The MCI reactor prevalence rate will be adjusted for out-of-State and out-of-Area cattle, recordkeeping errors, and animals traced to either infected herds or herds with negative tests.

(4) *Compliance with minimum procedural standards.* (i) A State must implement and maintain minimum procedural standards.

(ii) A State or Area must make continued progress as judged over a two year period in reducing the prevalence of brucellosis as determined by epidemiologic evaluation or it will be placed under federal quarantine.

(x) *Brucellosis reactor.*—(1) *Cattle and bison.* (i) Official vaccinates of dairy breeds 20 months of age and over and official vaccinates of bison or beef breeds 24 months of age and over (as evidenced by the presence of the first pair of permanent incisor teeth) or official vaccinates under these ages that are parturient (springers) or postparturient are classified serologically as reactors when they disclose complete standard plate test (SPT) or standard tube test (STT) agglutination reactions in the blood titer dilution of 1:200 or higher, are positive to the brucellosis card test where it has been the only test conducted, disclose titers of 25 percent fixation (1 plus) in a dilution of 1:40 or higher on the complement-fixation (CF) test, disclose a complete agglutination reaction in the 1:25 dilution or higher on the rivanol test, or are found infected by other diagnostic procedures such as isolation of *Brucella abortus.*

(ii) All other bison and cattle more than 6 months of age are classified serologically as reactors when they disclose a complete agglutination reaction in the blood titer dilution of 1:100 or higher, are positive to the card test where it has been the only test conducted, disclose titers of 50 percent fixation (2 plus) in a dilution of 1:20 or higher on the complement-fixation test, disclose a complete agglutination reaction in the 1:25 dilution or higher on the rivanol test, or are found infected by other diagnostic procedures such as isolation of *Brucella abortus.*

(iii) Where approved whole herd vaccination of herds at high risk (including Certified Brucellosis-Free Herds, infected herds, or herds not Certified Brucellosis-Free) with reduced doses of *B. abortus* Strain 19 has been carried out, adult vaccinated (AV), tattooed or branded animals are considered reactors if the CF test has at least 25 percent fixation (1 plus) in a dilution of 1:40 or higher. A first test is recommended at 2 months or as early thereafter as possible following the whole herd vaccination in order to facilitate elimination of field strain infection. At less than 5 months postvaccination, animals are considered reactors if a complete agglutination reaction occurs in the 1:50 dilution or higher on the rivanol test. On such tests at more than 5 months postvaccination, animals are considered reactors if a complete agglutination reaction occurs in the 1:25 dilution or higher on the rivanol test.

(iv) The evaluation of titer responses for all cattle and bison shall be the responsibility of an epidemiologist(s) who has been designated to perform and/or supervise this function in each of the States. He shall take into consideration the animal and herd history and other epidemiologic considerations when making his determination. Deviations from the above reactor criteria are acceptable when made by the designated epidemiologist.

(2) *Swine.* Any swine that disclose complete STT agglutination reactions to the blood titer dilution of 1:100 or higher. Any swine in an infected herd or those on an incomplete test of a herd of unknown status having a complete reaction in the 1:25 dilution or higher. Any swine disclosing a positive card test reaction or found infected by another official test or by isolating or otherwise identifying the brucella organism.

(y) *Brucellosis suspect.*—(1) *Cattle and bison.* (i) Official vaccinates of dairy breeds 20 months of age or over and official vaccinates of bison or beef breeds 24 months of age and over (as evidenced by the presence of the first pair of permanent incisor teeth) or official vaccinates under these ages that are parturient (springers) or postparturient are classified as suspects when they disclose SPT or STT agglutination reactions in the dilution of 1:100 or any partial agglutination in the 1:200 dilution. Cattle or bison negative to the SPT or STT tests but which are positive to the brucellosis card test, if it is performed, are classified as suspects. When the CF test is conducted, all test-eligible cattle having less than 25 percent fixation (1 plus) in a dilution of 1:40 and 50 percent (2 plus) or more in a dilution of 1:10 are classified as suspects.

(ii) All other cattle and bison more than 6 months of age are classified as suspects when they disclose any SPT or STT agglutination reactions in the blood titer dilution of 1:50 or incomplete agglutination in the 1:100 dilution. Cattle or bison negative to the SPT or STT tests, but which are positive to the brucellosis card test, if it is performed, are classified as suspects. When the CF test is conducted, all cattle or bison more than 6 months of age having less than 50 percent fixation (2 plus) in a dilution of 1:20 and 50 percent fixation (2 plus) or more in a dilution of 1:10 are classified as suspects.

(iii) The evaluation of titer responses for all cattle and bison shall be the responsibility of an epidemiologist(s) who has been designated to perform and/or supervise this function in each of the States. He shall take into consideration the animal and herd history and other epidemiologic considerations when making his determination. Deviations from the above suspect criteria are acceptable when made by the designated epidemiologist.

(2) *Swine.* Card test positive swine disclosed in a herd which is otherwise negative to serological or bacteriological tests and as judged by epidemiological evidence, will be held under whole herd quarantine until subjected to additional official brucellosis tests to determine the status of the animals, that is, whether they are actually negative or reactors.

(z) *Brucellosis negative.*—(1) *Cattle and bison.* (i) Official vaccinates of dairy breeds 20 months of age or over and official vaccinates of bison and beef breeds 24 months of age and over (as evidenced by the presence of the first pair of permanent incisor teeth) or official vaccinates under these ages that are parturient (springers) or postparturient are classified as negative when the SPT or STT disclose reactions of not more than complete agglutination in the 1:50 dilution, are negative to the brucellosis card test, disclose 25 percent fixation or less (1 plus) at the 1:10 dilution of the CF test, or disclose less than complete agglutination at the 1:25 dilution on the rivanol plate agglutination test. If only one test is run, that test must be negative; if more than one test is run, all reactions must be negative for the animal to be classified as brucellosis negative.

(ii) All other such cattle and bison more than 6 months of age are classified as negative serologically when the SPT or STT discose reactions of not more than complete agglutination in the 1:25 dilution, are negative to the brucellosis card test, disclose 25 percent fixation or less (1 plus) at the 1:10 dilution on the CF test, or disclose less than complete agglutination at the 1:25 dilution on the rivanol plate agglutination test.

(iii) Blood samples collected at slaughter are negative when no evidence of agglutination is disclosed by the rapid screening test (RST) or buffered acidified plate antigen test. Blood samples collected at livestock markets are negative when no evidence of agglutination is disclosed on the buffered acidified plate antigen test. Blood samples collected at slaughter or at livestock markets showing some agglutination to the rapid screening test or the buffered acidified plate test, as appropriate, are classified negative if the confirmatory test (brucellosis card test or SPT) is negative.

(iv) The evaluation of titer responses for all cattle and bison shall be the responsibility of an epidemiologist(s) who has been designated to perform and/or supervise this function in each of the States. He shall take into consideration the animal and herd history and other epidemiologic considerations when making his determination. Deviations from the above negative criteria are acceptable when made by the designaged epidemiologist.

(2) *Swine.* (i) Any swine from an infected herd or herd of unknown status that discloses a STT agglutination reaction of less than complete agglutination in the blood titer dilution 1:25 or that has no reaction to the card test is classified as negative.

(ii) Any swine from a Validated Brucellosis-Free herd not known to be infected in a validated brucellosis free area, or any swine on a complete herd test that discloses a STT agglutination reaction of less than complete agglutination in the blood titer dilution of 1:100 or that has no reaction to the card test.

(aa) *Brucellosis exposed animal.* Except for brucellosis reactors, animals that are part of a known infected herd, or are in a quarantined feedlot or a quarantined pasture, or are brucellosis suspects, or that have been in contact with brucellosis reactors in marketing channels for a period of 24 hours or for a period of less than 24 hours if the reactor has aborted, calved or farrowed within the past 30 days or has a vaginal or uterine discharge, are considered to be exposed regardless of the blood tests results.

(bb) *Herd.* A herd is:

(1) all animals under common ownership or supervision that are grouped on one or more parts of any single premises (lot, farm, or ranch) and

(2) all animals under common ownership on two or more premises which are geographically separated, but on which the animals have been interchanged or where there has been contact among the animals on the different premises.

(cc) *Animals.* Cattle, bison, and breeding swine.

(dd) *Farm of origin of cattle and bison.* A farm or other premises where the cattle or bison to be shipped interstate were born or have been kept for not less than 4 months prior to the date of shipment and which premises, within the 4 months prior to the date of shipment, have not been used to assemble cattle or bison from any other premises.

(ee) *Herd of origin of swine.* Any herd in which swine are farrowed and raised or in which such swine were maintained for a period of 30 days immediately prior to shipment interstate.

(ff) *Breeding swine.* Any swine 6 months of age or over which are maintained for breeding purposes as a part of a formal breeding program.

(gg) *Sow.* A female swine which has given birth to one or more litters of pigs or which is parturient.

(hh) *Boar.* An uncastrated male swine which has reached a stage of maturity rendering him capable of being used as a breeding animal including those which through age or infirmity are no longer capable of such use.

(ii) *Recognized slaughtering establishment.* Any slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) or a State Meat Inspection act.

(jj) *Specifically approved stockyard.* A stockyard specifically approved for the purposes of the regulations in this part in accordance with § 78.25(b).

(kk) *Herd blood test.*—(1) *Cattle or bison.* The herd blood test shall include all test-eligible cattle or bison.

(2) *Swine.* The herd test shall include all breeding swine 6 months of age and older. All swine being held for feeding purposes, separate and apart and without physical contact with breeding swine, are exempt from herd test requirements.

(ll) *Test-eligible cattle and bison.*—(1) *Herd blood test*—Test-eligible animals shall include all cattle or bison over 6 months of age, except steers, spayed heifers, official calfhood vaccinates of the dairy breeds under 20 months of age, the official calfhood vaccinates of bison or beef breeds under 24 months of age (as evidenced by the presence of the first pair of permanent incisor teeth) which are not parturient (springers) or postparturient.

(2) *Market cattle identification (MCI) blood testing.*—(i) *Blood sampling at slaughtering establishment*—All cows and bulls over 2 years of age are test-eligible.

(ii) *Blood testing at livestock markets or farms or ranches*—All cattle over 18 months of age (as evidenced by the loss of the first pair of temporary incisor teeth) except steers, spayed heifers, official calfhood vaccinates of the dairy breeds under 20 months of age, and official calfhood vaccinates of beef breeds under 24 months of age (as evidenced by the presence of the first pair of permanent incisor teeth) which

are not parturient (springers) or postparturient.

(3) *Test for other movements*—Same as § 78.1(ll)(2)(ii).

(mm) *Quarantined area.* Any area listed in § 78.22.

(nn) *Qualified herd.* Any herd of cattle or bison in a quarantined area which is not known to be affected with brucellosis and which has been subjected to two consecutive official tests for brucellosis and found negative. The first of these two official tests of the herd in the quarantined area shall be conducted not more than 240 days nor less than 120 days prior to the date of classification as a Qualified Herd and the second official test not more than 120 days prior to the date of such classification, and such test shall be performed not less than 90 days nor more than 120 days apart. In order to remain a Qualified Herd, a herd must be subjected to successive requalifying official tests and found negative. To maintain status as a qualified herd, each such requalifying test shall be conducted not more than 120 days from the date of the immediately preceding official test. All cattle or bison added to a qualified Herd must have been included in the preceding two official tests to qualify as cattle or bison from the Qualified Herd.

(oo) *Quarantined feedlot.* A quarantined feedlot shall be a confined area under official State quarantine and shall be approved jointly by the State animal health official and the Veterinarian in Charge. Approval will be granted only after inspection and after the feedlot demonstrates that all animals are secure and isolated from contact with any other nonquarantined feedlot or pasture animals, that there are facilities for identifying animals as required, and that there is no possibility of disease being mechanically transmitted from the premises. All cattle and bison, except steers and spayed heifers in a quarantined feedlot shall be classified as exposed to brucellosis. The quarantined feedlot shall be maintained for feeding of cattle and bison for slaughter, with no provisions for pasturing or grazing. All cattle and bison, except steers and spayed heifers, leaving such feedlot must move directly to slaughter accompanied by a permit, directly to another quarantined feedlot accompanied by a permit from the State animal health official, or, after being "S" branded at the feedlot, directly to a specifically approved stockyard to be sold for movement to slaughter or to another quarantined feedlot accompanied by a permit. However, finished fed cattle moving directly to recognized slaughtering establishments are exempt from the requirement for identification and the requirement to be accompanied by a permit. The animal health officials shall establish procedures for accounting for all animals entering or leaving such quarantined feedlots.

(pp) *Quarantined pasture.* A quarantined pasture shall be a designated, confined grazing area under official State quarantine and shall be approved jointly by the State animal health official and the Veterinarian in Charge. Approval will be granted only after inspection and after the owners of the pasture demonstate that all animals are secure and isolated from contact with any other nonquarantined feedlot or pasture animals, that there are facilities for identifying the animals as required and that there is no possibility of disease being mechanically transmitted from the premises. The quarantined pasture shall be for the purpose of utilizing available forage to grow or to improve flesh condition of cattle. No cattle may be moved interstate into these quarantined pastures, but they shall be restricted in use for cattle originating within the State. In all areas, these animal health officials shall request approval from the Deputy Administrator, Veterinary Services, APHIS, and justify the need. An intensified brucellosis eradication effort, which produces large numbers of exposed or adult vaccinated animals needing the grazing period to reach slaughter condition would be an acceptable justification. All animals, except steers and spayed heifers, in a quarantined pasture shall be classified as exposed to brucellosis. All cattle shall be of the same sex (e.g., all cows or all bulls), except that neutered animals may share the quarantined pasture. All animals except steers and spayed heifers must be permanently identified with a hot iron "S" brand either on the left jaw or high on the tailhead (over the fourth to the seventh coccygeal vertebrae) upon entering the quarantined pasture. All animals except steers and spayed heifers leaving the quarantined pasture must move to immediate slaughter at a recognized slaughtering establishment or to a quarantined feedlot. The movement shall be in accordance with established procedures for handling exposed animals, including issuance of "S" brand permits prior to movement. The State animal health official and Veterinarian in Charge shall establish procedures for accounting for all animals entering or leaving the quarantined pasture. Any procedures which allow the number of animals on the premises at any time to be accurately determined would be acceptable. All exposed cattle must vacate the premises on or before the expiration of approval, which may not last longer than 10 months.

(qq) *"S" branded cattle or bison.* Cattle or bison which have been identified by branding with a hot iron the letter "S" at least 5cm x 5cm (2 x 2 inches) in size on the left jaw or high on the tailhead (over the fourth to the seventh coccygeal vertebrae).

(rr) *Official metal eartag.* A Veterinary Services approved metal identification eartag conforming to the nine-character alpha-numeric National Uniform Eartagging System. It provides unique identification for each individual animal.

(ss) *Market cattle identification (MCI) test animals.* Market cattle identification test animals are test-eligible animals moving through auction markets, stockyards, or to slaughtering establishments. Also, they are those animals assembled at farms or ranches that are being readied for movement to markets, stockyards, slaughtering establishments or other places for sale, such as consignment or dispersal sales. Such animals shall be identified by eartag and/or backtag to the herd of origin prior to or at the first market, stockyard or slaughtering establishment they reach in marketing channels.

(tt) *Approved brucella vaccine.* A *Brucella abortus* Strain 19 product that is approved by and produced under license of the U.S. Department of Agriculture for injection into cattle and bison to enhance their resistance to brucellosis.

(uu) *Whole herd vaccination.* The vaccination of all female animals in a herd over 2 months of age, including animals older than the age for official calfhood vaccination, which may be vaccinated when their entire herd is authorized, by the State animal health official and by the Veterinarian in Charge, to be vaccinated with a reduced dose of vaccine.

(vv) *Official-vaccinate.*

(1) In States administering a standard dose approved brucella vaccine containing a minimum of 25 billion live cells per 5 ml dose for calfhood vaccination:[1]

(i) *Official calfhood vaccinate.* Female cattle of a dairy breed vaccinated by a Veterinary Services representative, State representative, or accredited veterinarian with a standard dose approved *Brucella abortus* Strain 19 vaccine in accordance with its labeling while from 2 through 6 months (60 to 179

[1] A listing of these States may be obtained from Veterinary Services, Federal Building, Room 814, Hyattsville, MD 20782.

days) of age. Female cattle of a beef breed or female bison vaccinated by a Veterinary Services representative, State representative, or accredited veterinarian with a standard dose approved *Brucella abortus* Strain 19 vaccine in accordance with its labeling while from 2 through 10 months (60 to 299 days) of age: *Provided, however,* That female cattle or bison vaccinated prior to January 1, 1982, in accordance with the definition of an official vaccinate as incorporated by reference into this part at the date of said vaccination, shall be deemed to be an official vaccinate.

(ii) *Official adult vaccinate.* Female cattle of a dairy breed vaccinated by a Veterinary Services representative, State representative, or accredited veterinarian with an approved reduced dose *Brucella abortus* Strain 19 vaccine, diluted so as to contain at least 300 million and not more than 3 billion live cells per 2 ml dose, while over 6 months (179 days) of age and as part of a whole herd vaccination plan authorized jointly by the State animal health official and Veterinarian in Charge. Female cattle of a beef breed or female bison vaccinated by a Veterinary Services representative, State representative, or accredited veterinarian with an approved reduced dose *Brucella abortus* Strain 19 vaccine, diluted so as to contain at least 300 million and not more than 3 billion live cells per 2 ml dose, while over 10 months (299 days) of age and as part of a whole herd vaccination plan authorized jointly by the State animal health official and the Veterinarian in Charge: *Provided, however,* That female cattle or bison vaccinated prior to January 1, 1982, in accordance with the definition of an official adult vaccinate as incorporated by reference into this part at the date of said vaccination, shall be deemed to be an official adult vaccinate.

(2) In States administering the reduced dose approved brucella vaccine containing at least 300 million and not more than 3 billion live cells per 2 ml dose for calfhood vaccination: [1]

(i) *Official calfhood vaccinate.* Female cattle of any breed or female bison vaccinated while from 4 through 12 months (120 through 365 days) of age by a Veterinary Services representative, State representative, or accredited veterinarian with a reduced dose *Brucella abortus* Strain 19 vaccine, diluted so as to contain at least 300 million and not more than 3 billion live cells per 2 ml dose: *Provided, however,* That female cattle or bison vaccinated prior to January 1, 1982, in accordance with the definition of an official vaccinate as incorporated by reference into this part at the date of said vaccination, shall be deemed to be an official vaccinate.

(ii) *Official adult vaccinate.* Female cattle of any breed or female bison vaccinated when more than one-year (365 days) of age by a Veterinary Services representative, State representative, or accredited veterinarian with a reduced dose *Brucella abortus* Strain 19 vaccine, diluted so as to contain at least 300 million and not more than 3 billion live cells per 2 ml dose, as a part of whole herd vaccination plan authorized jointly by the State animal health official and the Veterinarian in Charge: *Provided, however,* That a female cattle or bison vaccinated prior to January 1, 1982, in accordance with the definition of an official adult vaccinate as incorporated by reference into this part at the date of said vaccination, shall be deemed to be an official adult vaccinate.

(ww) *Identification of vaccinates.*—(1) *Calfhood vaccinates*—Calfhood vaccinated animals shall be permanently identified as vaccinates by tattoo and by official vaccination eartags. However, if already identified with an official metal eartag prior to vaccination, an additional tag is not required. Vaccination tattoos must be applied to the right ear. The tattoo must include the U.S. Registered Shield and "V", which will be preceded by a number indicating the quarter of the year and will be followed by a number corresponding to the last digit of the year in which the vaccination was done. Official vaccination eartags shall be applied to the right ear. The eartag must include the State numerical prefix as assigned by the National Uniform Eartagging System and a "V", followed by two letters and four numbers which will uniquely individually identify such vaccinated animal. Individual animal registered breed association registration tattoos or individual animal registered breed association registration brands may be substituted for official metal eartags.

(2) *Adult vaccinates*—Animals which have been vaccinated over calfhood age in authorized "whole herd" vaccination herds shall be permanently identified as vaccinates by the following procedures:

(i) *Brucellosis affected herds and herds not Certified Brucellosis-Free but at high risk*—Animals will be identified by a "V" hot brand on the right jaw, or by an official AV (adult vaccination) tattoo in the right ear preceded by the quarter of the year and followed by the last digit of the year, as well as official metal eartag (or individual animal registered breed association registration tattoo or individual animal registered breed association registration brand).

(ii) *Certified Brucellosis-Free herds*—Animals will be identified by a "V" hot branded on the right jaw, or by an official AV (adult vaccination) tattoo in the right ear preceded by the quarter of the year and followed by the last digit of the year as well as the official metal eartag (or individual animal registered breed association registration tattoo or individual animal registered breed association registration brand).

(xx) *Approved action plan or approved individual herd plan.*

(1) A herd management and testing plan which is designed by the herd owner, his veterinarian if so requested, and a veterinarian of the Cooperative Brucellosis Eradication Program to control and eventually eradicate brucellosis from an affected herd. Plans must be approved jointly by the State animal health official and the Veterinarian in Charge. A similar plan for determining the true status of suspects and preventing exposure to brucellosis within the herd is also within the meaning of the term "Individual Herd Plan" or "Approved Action Plan."

(2) The plan must call for the most appropriate veterinary procedures and proven herd management procedures to control the spread of brucellosis within the herd and thereby eradicate the disease from the herd.

(yy) *Official seal.* A serially numbered, metal or plastic strip, consisting of a self-locking device on one end and a slot on the other end, which forms a loop when the ends are engaged, which cannot be reused if opened, and which is applied by a representative of the Veterinarian in Charge or the State animal health official.

(zz) *Finished fed cattle.* Cattle in a quarantined feedlot which have been fattened on a ration of feed concentrates to reach a slaughter condition equivalent to the slaughter condition which would be attained on full feed on a high concentrate grain ration for 90 days.

(aaa) *Herd known to be affected.* Any herds in which any animal has been classified as a brucellosis reactor, and which has not been released from quarantine.

(bbb) *Herd not known to be affected.* Any herd in which no animal has been classified as a brucellosis reactor, also any herd in which any animal has been classified as a brucellosis reactor and which has been released from quarantine.

(ccc) *Parturient.* Visibly prepared to give birth or within 2 weeks of giving birth.

(ddd) *Post parturient.* Having already given birth.

(eee) *Untested test-eligible cattle.* Those cattle which are of test-eligible age and which are required to be tested by § 78.9 of this Part for interstate movement, but which have not been tested in compliance with the specific requirements applicable to cattle originating at that location.

(fff) *Epidemiology.* A branch of medical science that deals with the incidence, distribution, and control of disease in the animal population.

(ggg) *Epidemiologist.* A Doctor of Veterinary Medicine who has received a Master's degree in Epidemiology or one who has completed a course of study in epidemiology sponsored by the Animal and Plant Health Inspection Service, Veterinary Services, United States Department of Agriculture.

(hhh) *Originates.* Having been moved to the premises or herd indicated from a State/Area of equal or higher class, or have been born in the herd indicated, or having been moved to the premises or herd indicated from a State/Area of lower status and kept on the premises or in the herd indicated for not less than 4 months prior to the movement in question.

3. Section 78.3(c) is revised to read:

§ 78.3 Handling of certificates or permits for movement of animals.

* * * * *

(c) The Veterinarian Services representative, State representatives, or accredited veterinarian issuing a certificate or permit required for the interstate movement of cattle under the regulations in this part, except for "permits for entry" and " 'S' brand permits" required by § 78.1(o)(2), and (3), shall forward a copy thereof to the proper livestock sanitary official of the State of destination of the animals.

4. Section 78.6 is revised to read:

§ 78.6 Steers and spayed heifers.

Steers and spayed heifers of any age may be moved interstate from any area without restrictions under this subpart.

5. Section 78.8 is revised to read:

§ 78.8 Brucellosis-exposed cattle.

Except as provided in Part 51 of the regulations, brucellosis-exposed cattle may be moved interstate only as follows:

(a) *Movement of brucellosis-exposed cattle for immediate slaughter.* Finished fed cattle from quarantined feedlots move directly to recognized slaughtering establishments without further restrictions under this Part. Other brucellosis-exposed cattle may be moved directly to a recognized slaughtering establishment, or from a farm of origin directly through no more than one specifically approved stockyard and then directly to a recognized slaughtering establishment, only if such cattle are:

(1) Individually identified by a Veterinary Services approved metal eartag or a USDA backtag;

(2) Accompanied by a VS Form 1–27 permit or "S" brand permit; and

(3) Such cattle are:

(i) "S" branded before the animals leave the premises from which they move interstate, or

(ii) In the instances when a claim for indemnity is being made by the owner under the provisions of 9 CFR 51.3, they are identified with the letter "B" as prescribed in 9 CFR 51.5, or

(iii) If they are official adult vaccinates, they have been hot-iron branded "AV" or "V" on the right jaw, or

(iv) Moved in vehicles closed with official seals. Official seals shall only be applied or removed by a Veterinary Services representative, State representative, accredited veterinarian or by other persons authorized for this purpose by a Veterinary Services representative. If the movement is directly to a specifically approved stockyard and then to a recognized slaughtering establishment, a separate permit shall be required for the movement of such cattle from such stockyard directly to such slaughtering establishment if that movement is interstate. The official seal number(s) shall be recorded on the permit.

(v) If they are moving directly from a quarantined feedlot to a recognized slaughtering establishment, non "S" branded cattle will not be required to be "S" branded prior to movement.

(b) *Movement of brucellosis-exposed cattle to quarantined feedlots.* Such cattle may only be moved directly to a quarantined feedlot or from a farm of origin directly through no more than one specifically approved stockyard and then directly to a quarantined feedlot, and then only if such cattle are:

(1) Individually identified by a Veterinary Services approved metal eartag or an USDA backtag;

(2) Accompanied by a VS Form 1–27 permit or "S" brand permit; and

(3) Such cattle are:

(i) "S" branded before they leave the premises from which they move interstate, or

(ii) Officially adult vaccinated cattle and have been hot-iron branded "AV" or "V" on the right jaw.

If the movement is directly to a specifically approved stockyard for sale and shipment to a quarantined feedlot, a separate permit shall be required for the movement of such cattle from any such stockyard directly to a quarantined feedlot if that movement is interstate.

(c) *Movement of brucellosis exposed cattle other than in accordance with paragraphs (a) or (b) of this section.*

(1) Calves under 6 months of age which are being nursed by brucellosis exposed cows in a herd known to be affected with brucellosis, and which herd has been brucellosis tested within 10 days prior to the interstate movement of the calves, or calves under 6 months of age which have been weaned from brucellosis reactor or exposed cows not less than 30 days immediately preceding the interstate movement, may be moved interstate from any area into any area without restriction. Additionally official vaccinates under 12 months of age and steers and spayed heifers of any age in a herd known to be affected with brucellosis, but which is following an approved individual herd plan may be moved interstate from any area into any area without restrictions.

(2) Cattle that were moved interstate directly from a farm of origin to a specifically approved stockyard in accordance with the exception under §§ 78.9(b)(3)(iii) or (c)(3)(iii) and which have been subsequently determined to be brucellosis exposed animals, may be reshipped interstate directly back to the farm of origin under the following conditions:

(i) An authorized regulatory official of the State in which the animals are located and of the State to which the animals are to be moved advise Veterinary Services that such movement would not be contrary to the laws and regulations of their respective States;

(ii) The State to which the animals are to be moved agrees to quarantine the cattle on arrival and to provide for testing of all cattle on the farm of origin;

(iii) A permit for the shipment is obtained by the shipper from a Veterinary Services representative, State representative, or an accredited veterinarian upon a determination made by a Veterinary Services representative that the other conditions of this pararaph (§ 78.8(c)(2)) have been met; and

(iv) The cattle are accompanied to the farm of origin by such permit.

6. In § 78.9, paragraphs (a) and (b) are revised and new paragraphs (c) and (d) are added. As revised § 78.9 reads as follows:

§ 78.9 Cattle from herds not known to be affected with brucellosis.

Cattle from herds not known to be affected with brucellosis must be moved interstate in compliance with § 71.18 of this subchapter, except where specifically exempt, and then only as follows:

(a) *Class Free States.* Such cattle which originate in a Class Free State may be moved interstate without being tested for brucellosis under this subpart. They must be accompanied by a certificate, unless moved to immediate slaughter at a recognized slaughtering establishment, or to a specifically approved stockyard for sale to a recognized slaughtering establishment, or if moved in the course of normal ranching operations without change of ownership to another premises belonging to the same owner. The certificate must state, in addition to the items specified in § 78.1(n), that the cattle originated in a Class Free State.

(b) *Class A States.* If such cattle originate in a Class A State and are non-vaccinates under 18 months of age, or are official calfhood vaccinates of the beef breeds under 24 months of age, or are official calfhood vaccinates of the dairy breeds under 20 months of age, unless they are parturient or postparturient, may be moved interstate without being tested for brucellosis. If such cattle originate in a Class A State and are non-vaccinates over 18 months of age, are official calfhood vaccinates of the beef breeds over 24 months of age, are official calfhood vaccinates of the dairy breeds over 20 months of age, or if they are parturient or postparturient, they may only be moved interstate from such area under the conditions specified below:

(1) *Movement for immediate slaughter.* (i) Such cattle may be moved for immediate slaughter directly from a farm of origin to a recognized slaughtering establishment or directly through no more than one specifically approved stockyard and then directly to a recognized slaughtering establishment without being tested for brucellosis if identity to the farm of origin is maintained by means of identification tag numbers appearing on sale records showing the consignor or by penning animals from one farm apart from other animals.

(ii) Such cattle from other than a farm of origin may also be moved interstate directly to a recognized slaughtering establishment or through no more than one specifically approved stockyard and then directly to a recognized slaughtering establishment without being tested for brucellosis if identity to the Class A State is maintained by means of identification tag numbers appearing on sale records showing the consignor or by penning animals from one farm or state apart from other animals.

(2) *Movement to quarantined feedlots.* (i) Such cattle may be moved to a quarantined feedlot directly from a farm of origin or directly through no more than one specifically approved stockyard and then directly to a quarantined feedlot without being tested for brucellosis if identity to the farm of origin is maintained by means of identification tag numbers appearing on sale records showing the consignor or by penning animals from one farm apart from other animals.

(ii) Such cattle from other than a farm of origin may also be moved interstate directly to a quarantined feedlot or through no more than one specifically approved stockyard and then directly to a quarantined feedlot without being tested for brucellosis if identity to the Class A State is maintained by means of identification tag numbers appearing on sale records showing the consignor or by penning animals from one farm or State apart from other animals.

(3) *Movement other than in accordance with paragraphs (b) (1) and (2) of this section.* Such cattle may be moved interstate other than in accordance with paragraphs (b) (1) and (2) of this section only if:

(i) Such cattle originate in Certified Brucellosis-Free Herds and they are accompanied interstate by a certificate, which states, in addition to the items specified in § 78.1(n), that the cattle originated in a Certified Brucellosis-Free Herd; or

(ii) Such cattle are subjected to an official test for brucellosis and found negative for brucellosis within 30 days prior to such interstate movement, and accompanied interstate by a certificate, and the certificate shows in addition to items required under § 78.1(n), the test dates and results of the official brucellosis tests; or

(iii) Such cattle are moved directly from a farm of origin to a specifically approved stockyard and the owner causes such cattle to be subjected to an official test for brucellosis upon arrival at such stockyard prior to losing their identity with the farm of origin; or

(iv) Such cattle, if they are moved interstate in the course of normal ranching operations without change of ownership and to another premises belonging to the same owner, may be moved without testing and without a certificate.

(c) *Class B States.* If such cattle originate in a Class B State and are non-vaccinates under 18 months of age, or are official calfhood vaccinates of the beef breeds under 24 months of age, or are official calfhood vaccinates of the dairy breeds under 20 months of age, unless they are parturient or postparturient, they may be moved interstate without being tested for brucellosis. If such cattle originate in a Class B State and are non vaccinates over 18 months of age, or are official calfhood vaccinates of the beef breeds over 24 months of age, or are official calfhood vaccinates of the dairy breeds over 20 months of age, or if they are paturient or postparturient and under these ages, they may only be moved interstate from such area under the conditions specified below:

(1) *Movement for immediate slaughter.* (i) Such cattle may be moved for immediate slaughter directly from a farm of origin or a nonquarantined feedlot to a recognized slaughtering establishment or directly to a specifically approved stockyard for sale to a recognized slaughtering establishment without being "S" branded and without being accompanied by an "S" brand permit.

(ii) Such cattle from other than a farm of origin or a nonquarantined feedlot may also be moved interstate directly to a recognized slaughtering establishment if they are tested and found negative to an official test for brucellosis immediately prior to movement, or if they are "S" branded and accompanied by an "S" brand permit.

(iii) Such cattle from other than a farm of origin or a nonquarantined feedlot may also be moved for immediate slaughter without being "S" branded, if they are accompanied by a VS Form 1–27 permit and are moved in vehicles closed with official seals. Official seals shall only be applied or removed by a Veterinary Services representative, a State representative, an accredited veterinarian, or by other persons authorized for this purpose by the Veterinary Services representatives.

(2) *Movement to quarantined feedlots.* (i) Such cattle may be moved to a quarantined feedlot directly from a farm of origin without being "S" branded and without being accompanied by an "S" brand permit if such cattle are "S" branded upon arrival at the quarantined feedlot, or directly from a farm of origin to a specifically approved stockyard for sale to a quarantined feedlot without being "S" branded and without beng accompanied by an "S" brand permit.

(ii) Such cattle from other than a farm of origin may also move interstate directly to a quarantined feedlot if they are tested and found negative to an official test immediately prior to the

movement, or if they are "S" branded and accompanied by an "S" brand permit.

(3) *Movement other than in accordance with paragraphs (c) (1) and (2) of this section.* Such cattle may be moved interstate other than in accordance with paragraphs (c) (1) and (2) of this section only if:

(i) Such cattle originate in Certified Brucellosis-Free Herds and they are accompanied interstate by a certificate, which states, in addition to the items specified in § 78.1(n), that the cattle originated in a Certified Brucellosis-Free Herd; or

(ii) Such cattle are subjected to an official test for brucellosis and found negative for brucellosis within 30 days prior to interstate movement, are accompanied interstate by a certificate which shows, in addition to items required under § 78.1(n), the test dates and results of the official brucellosis tests, and if such cattle are accompanied interstate by a "Permit for Entry"; or

(iii) Such cattle are moved directly from a farm of origin to a specifically approved stockyard and the owner causes such cattle to be subjected to an official test for brucellosis upon arrival at such stockyard, but prior to losing their identity to the farm of origin. Such cattle shall be accompanied by a certificate which shows, in addition to the items required under § 78.1(n), the dates and results of any official test required by this paragraph and shall be accompanied by a "Permit for Entry"; or

(iv) Such cattle originate from herds in which: (A) All the cattle were subjected to a complete herd test for brucellosis within 12 months of the date of the interstate movement; (B) any cattle which were added to the herd subsequent to such complete herd test were tested and found negative to an official test for brucellosis within 30 days prior to the date the cattle were added to the herd; (C) the cattle subject to the complete herd test have not changed ownership from the date of such test; and (D) none of the cattle in the herd have come in contact with any other cattle which have not been tested as prescribed in this subparagraph; or

(v) The requirement of § 78.9(b)(3)(iv) may be waived with the written concurrence of the State animal health officials of each involved State in the case of animals moving interstate in the course of normal ranching operations without change of ownership and to another premises belonging to the same owner.

(d) *Class C State.* If such cattle originate in a Class C State and are non-vaccinates under 18 months of age, or are official calfhood vaccinates of the beef breeds under 24 months of age, or are official calfhood vaccinates of the dairy breeds under 20 months of age, they may be moved interstate without restrictions under this subpart, unless they are parturient or postparturient. If such cattle originate in a Class C State and are nonvaccinates over 18 months of age, or are official calfhood vaccinates of the beef breeds over 24 months of age, or are official calfhood vaccinates of the dairy breeds over 20 months of age, or if they are parturient or postparturient and under these ages, they may only be moved interstate from such area under the conditions specified below:

(1) *Movement for immediate slaughter.* (i) Such cattle from Certified Brucellosis-Free Herds may move to recognized slaughtering establishments or to specifically approved stockyards for sale for movement to immediate slaughter at a recognized slaughtering establishment without being tested for brucellosis if identity to the Certified Brucellosis-Free Herd is maintained.

(ii) Such cattle may be moved for immediate slaughter directly from a farm of origin or a nonquarantined feedlot to a recognized slaughtering establishment or to a specifically approved stockyard for sale for movement to a recognized slaughtering establishment without being "S" branded and without being accompanied by a "S" brand permit.

(iii) Such cattle from other than a farm of origin or a nonquarantined feedlot may also be moved interstate directly to a recognized slaughtering establishment, if they have been tested negative within 30 days prior to movement, or if they are "S" branded and are accompanied by an "S" brand permit.

(iv) Such cattle from other than a farm of origin or a nonquarantined feedlot may also be moved interstate for immediate slaughter to a recognized slaughtering establishment without being "S" branded, if they are accompanied by a VS Form 1–27 permit and are moved in vehicles closed with official seals. Official seals shall only be applied or removed by a Veterinary Services representative, a State representative, an accredited veterinarian, or by other persons authorized for this purpose by the Veterinary Services representatives.

(2) *Movement to quarantined feedlots.* (i) Such cattle may be moved to a quarantined feedlot directly from a farm of origin without being "S" branded and without being accompanied by an "S" brand permit if such cattle are "S" branded upon arrival at the quarantined feedlot, and such cattle may be moved directly from a farm of origin to a specifically approved stockyard for sale to a quarantined feedlot without being "S" branded and without being accompanied by an "S" brand permit.

(ii) Such cattle from other than a farm of origin may also move interstate directly to a quarantined feedlot if they have been tested negative within 30 days prior to movement, or if they are "S" branded and accompanied by an "S" brand permit.

(3) *Movement other than in accordance with paragraphs (d) (1) or (2) of this section.* Such cattle may be moved other than in accordance with paragraphs (d) (1) or (2) of this section only if:

(i) Such cattle originate in Certified Brucellosis-Free Herds and they are accompanied interstate by a certificate which states, in addition to the items specified in § 78.1(n), that the cattle originated in a Certified Brucellosis-Free Herd; or

(ii) Such cattle are under 18 months of age or such cattle are official vaccinates of the beef breeds under 24 months of age or of the dairy breeds under 20 months; or

(iii) Such cattle have been subjected to two consecutive official negative tests for brucellosis with the first test not less than 60 days before interstate movement and the second test not less than 60 days after the first test nor more than 30 days before the date of the interstate movement, provided however, that the time period for the first test is valid up to 12 months. These tested cattle shall be accompanied by a certificate which shows, in addition to the items required under § 78.1(n), the dates and results of the official tests required by this paragraph and shall be accompanied by a "Permit for Entry;" or

(iv) Such cattle are official vaccinates of the beef breeds over 24 months of age or of the dairy breeds over 20 months of age, have been subjected to an official test for brucellosis not more than 30 days before the date of interstate movement, and such cattle are accompanied by a certificate which shows in addition to the items required under § 78.1(n), the date and results of the official test required by this paragraph, and shall be accompanied by a "Permit for Entry;" or

(v) Such cattle have been subjected to an official negative test for brucellosis not less than 60 days nor more than 1 year before the interstate movement, are moved directly from a farm of origin to a specifically approved stockyard and the owner causes such cattle to be subjected to an official test for brucellosis upon arrival at such stockyard, but prior to losing their

identity to the farm of origin. These cattle shall be accompanied by a document which shows the date and results of the official test required to be administered prior to interstate movement; or

(vi) Such cattle which are official vaccinates of the beef breeds over 24 months of age or of the dairy breeds over 20 months of age, are moved directly from a farm of origin to a specifically approved stockyard and the owner causes such cattle to be subjected to an official test for brucellosis upon arrival at such stockyard, but prior to losing their identity to the farm of origin. These cattle shall be accompanied interstate by a document which shows the date of vaccination; or

(vii) Such cattle originate from herds in which: (A) All the cattle were subjected to a complete herd test for brucellosis within 12 months of the date of the interstate movement; (B) Any cattle which were added to the herd subsequent to such complete herd test were tested and found negative to an official test for brucellosis within 30 days prior to the date the cattle were added to the herd; (C) The cattle subject to the complete herd test have not changed ownership from the date of such test; and (D) None of the cattle in the herd have come in contact with any other cattle which have not been tested as prescribed in this subparagraph.

§§ 78.10 and 78.11 [Removed and Reserved]

7. Section 78.10 and § 78.11 are removed and designated "reserved".

8. In § 78.16 a new paragraph (c) is added to read as follows:

§ 78.16 Brucellosis exposed bison.

* * * * *

(c) *Movement of brucellosis exposed bison other than in accordance with paragraph (a) or (b) of this section.* Bison calves under 6 months of age which are being nursed by brucellosis exposed bison cows in a herd known to be affected with brucellosis, and which herd has been brucellosis tested within 10 days prior to the interstate movement of the calves, or bison calves under 6 months of age which have been weaned from brucellosis reactor or exposed bison cows for not less than 30 days immediately preceding the interstate movement, may be moved interstate from any area into any area without restriction. Additionally, official vaccinates under 12 months of age and steers and spayed heifers of any age in a herd known to be affected but which is following an approved individual herd plan may be moved interstate from any area into any area without restrictions.

9. In Subpart D, Designation of Brucellosis Areas and Specifically Approved Stockyards, § 78.20 is revised to read as follows:

§ 78.20 State/Area Classifications.

(a) *Class Free.* Alaska, Connecticut, Delaware, Hawaii, Maine, Maryland, Michigan, New Hampshire, New York, North Dakota, Rhode Island, Utah, Vermont, and the Virgin Islands.

(b) *Class A.* Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, New Mexico, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and Puerto Rico.

(c) *Class B.* Alabama, Arkansas, Georgia, Kansas, Kentucky, Missouri, Nevada, Oklahoma, Tennessee. Counties of Florida west of the Suwanee River: Bay, Calhoun, Dixie, Escambia, Franklin, Gadsden, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla, Walton, and Washington. The Texas counties of: Andrews, Archer, Armstrong, Bailey, Bandera, Baylor, Bell, Blanco, Borden, Bosque, Brewster, Briscoe, Brown, Burnet, Callahan, Carson, Castro, Childress, Clay, Cochran, Coke, Coleman, Collingsworth, Comal, Comanche, Concho, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Donley, Eastland, Ector, Edwards, El Paso, Erath, Fisher, Floyd, Foard, Gaines, Garza, Gillespie, Glasscock, Gray, Hale, Hall, Hamilton, Hansford, Hardeman, Hartley, Haskell, Hays, Hemphill, Hockley, Hood, Howard, Hudspeth, Hutchinson, Irion, Jack, Jeff Davis, Johnson, Jones, Kendall, Kent, Kerr, Kimble, Kinney, King, Knox, Lamb, Lampasas, Lipscomb, Llano, Loving, Lubbock, Lynn, McCullock, Martin, Mason, Maverick, Menard, Midland, Mills, Mitchell, Montague, Moore, Motley, Nolan, Ochiltree, Oldham, Palo Pinto, Parker, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Real, Reeves, Roberts, Runnels, San Saba, Schleicher, Scurry, Shackelford, Sherman, Somervell, Sterling, Stephens, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Upton, Uvalde, Val Verde, Ward, Wheeler, Wichita, Wilbarger, Williamson, Winkler, Wise, Yoakum, Young, and Zavala.

(d) *Class C.* Florida (counties east and south of the Suwanee River), Louisiana, Mississippi, and the Texas counties of: Anderson, Angelina, Aransas, Atascosa, Austin, Bastrop, Bee, Bexar, Bowie, Brazoria, Brazos, Brooks, Burleson, Caldwell, Calhoun, Cameron, Camp, Cass, Chambers, Cherokee, Collin, Colorado, Cooke, Dallas, Delta, Denton, DeWitt, Dimmit, Duval, Ellis, Falls, Fannin, Fayette, Fort Bend, Franklin, Freestone, Frio, Galveston, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Hardin, Harris, Harrison, Henderson, Hidalgo, Hill, Hopkins, Houston, Hunt, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kaufman, Kenedy, Kleberg, Lamar, LaSalle, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, McLennan, McMullen, Madison, Marion, Matagorda, Medina, Milam, Montgomery, Morris, Nacogdoches, Navarro, Newton, Nueces, Orange, Panola, Polk, Rains, Red River, Refugio, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, Shelby, Smith, Starr, Titus, Trinity, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Wilson, Wood and Zapata.

§ 78.21 [Removed and Reserved]

10. Section 78.21 is amended to remove the section heading and text and to designate the section "reserved."

§ 78.22 [Removed]

11. Section 78.22 is removed.

12. Section 78.22a is redesignated § 78.22 and revised to read:

§ 78.22 Quarantined areas.

Notice is hereby given that because of the existence of the contagion of brucellosis and the nature and extent of such contagion in certain areas which do not have control and eradication procedures adequate to prevent the interstate dissemination of the disease, the following areas are quarantined:

None.

13. Section 78.25(a) is revised to read:

§ 78.25 Designations of States/Areas and approved stockyards.

(a) The Deputy Administrator, Veterinary Services, is authorized to amend §78.20 to reclassify States and Areas from a lower class as Class Free, Class A, Class B, or Class C, when he

determines that the areas come within the appropriate definitions in §§ 78.1 (t), (u), (v), or (w). In the case of any reclassification to a lower class, the State animal health official of the State involved will be notified of such downgrading, and shall be given an opportunity to request an administrative review and to present his objections and arguments to the Deputy Administrator prior to the downgrading taking effect.

* * * * *

14. Section 78.29 is revised to read:

§ 78.29 Brucellosis testing of breeding swine.

(a) Breeding swine from Validated Brucellosis Free Herds and Validated Brucellosis Free Areas may be moved interstate for other than slaughter only if they are accompanied by a certificate and the certificate states that they originated in either a Validated Brucellosis Free Herd or in a Validated Brucellosis Free area.

(b) Breeding swine from nonvalidated brucellosis free herds in nonvalidated brucellosis free areas may be moved interstate for other than slaughter only if they have been officially tested negative for brucellosis and found to be negative within 30 days prior to interstate movement and are accompanied interstate by a certificate which shows, in addition to items required under § 78.1(n), the dates and the results of the official brucellosis test.

15. In § 71.18, the introductory text of paragraph (a) is revised to read:

§ 71.18 Individual identification of certain cattle 2 years of age or over for interstate movement.

(a) No cattle 2 years of age or over, except steers and sprayed heifers and except cattle of any age which are being moved interstate without change of ownership to another premises belonging to the same owner during the course of normal ranching operations, as provided in §§ 78.9 (a), (b)(3)(iv), (c)(3)(iv), and (d)(3)(vii) of this Subchapter C, shall be moved interstate other than in accordance with the requirements of this section. All interstate movements of any cattle shall also comply with the other applicable provisions in this part and other parts of this subchapter.

* * * * *

Done at Washington, D.C., this 7th day of December, 1982.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 82-33630 Filed 12-9-82; 9:49 am]

BILLING CODE 3410-34-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 545

[No. 82-751]

Amendment Concerning Branch Offices Acquired From a Receiver

Dated: November 18, 1982.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board ("Board") has amended its regulations governing branch offices of federal savings and loan associations ("federal associations"). These amendments clarify the authority of a federal association to maintain an office acquired from the receiver of an institution with accounts insured by the Federal Savings and Loan Insurance Corporation ("FSLIC") upon approval in writing by the Board.

EFFECTIVE DATE: November 18, 1982.

FOR FURTHER INFORMATION CONTACT: Larry Hayes, Senior Associate General Counsel, Office of General Counsel (202-377-6428), Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C., 20552.

SUPPLEMENTARY INFORMATION: Board regulations governing branch office facilities of federal associations require a federal association to obtain prior written approval of the Board or its Principal Supervisory Agent (the President of the Federal Home Loan Bank in which the association is located) prior to establishment of a branch office. 12 CFR 545.14 (1982). In cases where a savings and loan converts to a federal charter or acquires offices through consolidation, purchase of bulk assets, or merger, the procedures for prior approval do not apply but maintenance of the facility requires written approval of the Board. Approval for maintenance of a branch office typically is given at the time of Board consideration of the underlying transaction. This procedure facilitates the handling of supervisory cases that involve a consolidation, merger or purchase of bulk assets.

A supervisory technique that has been used recently by the Board and state regulators is the appointment of a receiver for financially troubled institutions with accounts insured by the Federal Savings and Loan Insurance Corporation ("insured institutions"). A receiver has the general power to sell the assets of an institution, including branch offices, and federal associations may desire to acquire these facilities. Clarification of the authority of federal associations to purchase and maintain a branch office purchased from a receiver would facilitate disposition of receivership assets. The Board, therefore, is amending its regulations to povide that a federal association may maintain a branch office acquired from the receiver of an insured institution upon written approval of the Board.

The Board finds that observance of the notice and comment period of 12 CFR 508.12 and 5 U.S.C. 553(b) and the 30-day delay of effective date of 12 CFR 508.14 and 5 U.S.C. 553(d) are unnecessary because it is in the public interest for the Board to be able to exercise maximum flexibility in resolving supervisory cases.

List of Subjects in 12 CFR Part 545

Savings and loan associations, Operations.

Accordingly, the Board hereby amends Part 545, Subchapter C, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER C—RULES AND REGULATIONS FOR FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

Revise paragraph (k) (1) of § 545.14 to read as follows:

§ 545.14 Branch Offices.

* * * * *

(k) *Application for and maintenance of branch office after conversion, consolidation, purchase of bulk assets, merger or purchase from receiver.* (1) An existing institution which converts to a federal association may not maintain an existing office, and a Federal association which acquires offices through consolidation, purchase of bulk assets, merger or purchase from the receiver of an institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation may not maintain any acquired office, without written Board approval.

* * * * *

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82-33703 Filed 12-10-82; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-NW-55-AD, Amdt. No. 39-4514]

Airworthiness Directive: Boeing Model 747 Series Airplanes With Certain Autopilot Installations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) that requires specific hardware modifications to limit nose down pitch authority and implements ground speed operational limitations based on landing weight, density altitude, and system configuration on certain Boeing Model 747 series airplanes. This AD is needed to prevent single faults of the automatic landing system under certain flight conditions from resulting in sink rates at touchdown which may exceed ultimate design loads and could result in damage to the airplane or collapse of the landing gear.

DATES: Effective January 17, 1983. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may also be examined at the FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Clyde L. Halstead, Aerospace Engineer, Systems and Equipment Branch, ANM-130S Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2500. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to add an Airworthiness Directive which would require operating limitations or prohibit the use of the autopilot for automatic landings was published in the **Federal Register** on December 8, 1980 (45 FR 80830). This amendment would apply to Boeing Model 747 series airplanes equipped with the dual channel automatic landing systems with a Monitor and Logic (M & L) Unit, Boeing Part Number 60B00013-452, -453, or -454.

Due to development problems experienced by Boeing in testing a modification and requests received from the airline industry, an extension to the comment period was granted and published in the **Federal Register** on April 30, 1981 (46 FR 24188).

The proposed AD was prompted by the results of an evaluation conducted by Boeing of the Model 747-200 Series airplanes to increase the maximum certificated landing weight which revealed that under specific conditions certain single failures of an automatic landing system equipped with M & L units can result in a landing with excessive vertical speed. This system is installed in certain Boeing Model 747-100/-200 and 747SR series airplanes. These failures, which result in no flare landings, were demonstrated during the original certification program. However, a number of factors have recently been shown to increase the sink rate resulting from these failures to a level above that which was demonstrated during the certification program. These factors whose effects were not considered or were assumed to be negligible during the original certification program, include the following:

a. Automatic stabilizer trim system tolerances,

b. High altitude airports and density altitude, and

c. A single channel nose down hardover command during flare.

Interested parties have been afforded an opportunity to participate in the making of this amendment. One comment was submitted by the Air Transport Association of America (ATA) on behalf of U.S. air carriers in response to the Notice of Proposed Rulemaking (NPRM). ATA concurred with the FAA's proposed corrective AD action but disagreed with the timing, feeling it should have been effective immediately.

The intent of the proposal was to implement the AD as soon as practicable. However, as the manufacturer continued flight testing it became obvious that the proposed terminating action would not be acceptable and that further development was necessary. As a result, the proposed terminating action has been revised in light of new criteria generated.

This revision requires less restrictive operating limitations than proposed in the NPRM and provides an optional means of eliminating the placard requirement.

It is estimated that 122 airplanes on the U.S. Registry will be affected by this AD, that is will cost $200 per airplane to comply with this AD. The optional modification will take approximately 41 man hours per airplane to accomplish the required actions, and the average labor cost will be $30 per man hour. Modification parts are estimated at $402.50 per airplane. Based on these figures, the maximum cost impact of the AD is estimated to be $221,125. For these reasons, this rule is not considered to be a major rule under the criteria of Executive Order 12291. Few if any small entities, within the meaning of the Regulatory Flexibility Act, operate B-747 aircraft.

After careful review of all available data, including the comment above, the FAA has determined that air safety and the public interest require that the rule be adopted as revised.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Boeing: Applies to all Boeing Model 747 Series airplanes equipped with a dual channel autopilot with a Monitor and Logic (M&L) Unit Boeing Part Number 60B00013-452, -453, -454, and on, listed in Boeing Service Bulletin 747-22-2130, Fail-Passive Autopilot Stabilizer Trim Bias and Automatic Disconnect Modification.

Compliance required as indicated. To prevent no-flare automatic landings with excessive sink rates accomplish the requirements of paragraph A and either paragraph B or C below within 180 days after the effective date of this AD:

A. Incorporate the following limitations as appropriate in "Section 1—Certification Limitations" of the Airplane Flight Manual:

1. On airplanes equipped with an operating Autoland Bias Control System, incorporate the following limitation: *"Autopilot*—Autopilot use below 50 feet AGL is prohibited except when Boeing Service Bulletin 747-22-2127 FAIL PASSIVE AUTOPILOT FLARE COMMAND WIRING MODIFICATION or FAA approved production equivalent is installed and one of the following conditions is met:

(a) At flaps 25—the ground speed on final approach is less than 187 kts.

(b) At flaps 30—the ground speed on final approach is less than 173 kts."

2. On all other airplanes incorporate the following limitation:

"Autopilot—Autopilot use below 50 feet AGL is prohibited except when Boeing Service Bulletin 747-22-2127 FAIL PASSIVE AUTOPILOT FLARE COMMAND WIRING MODIFICATION or FAA approved production equivalent is installed and one of the following conditions is met:

(a) At flaps 25—the ground speed on final approach is less than 180 kts.

(b) At flaps 30—the ground speed on final approach is less than 163 kts."

B. Install a placard on the autopilot flight director mode select panel which reads: "DO NOT USE AUTOPILOT BELOW 50 FT. AGL."

C. Accomplish Boeing Service Bulletin 747–22–2127, FAIL PASSIVE AUTOPILOT FLARE: COMMAND WIRING MODIFICATION or FAA approved production equivalent. Install a placard on the autopilot flight director mode select panel which reads: "DO NOT USE AUTOPILOT BELOW 50 FT. AGL EXCEPT PER FLIGHT MANUAL LIMITATIONS."

D. Accomplishment of Boeing service Bulletin 747–22–2130 provides terminating action and allows removal of the placard and flight manual limitations required by paragraphs A, B, and C above.

E. Alternate means of compliance with this AD which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

F. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

This amendment becomes effective January 17, 1983.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—For the reasons discussed earlier in this rulemaking action, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). It is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Seattle, Washington on December 1, 1982.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 82–33705 Filed 12–10–82; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 81–NW–03–AD; Amdt. 39–4513]

Airworthiness Directives: DeHavilland DHC–7 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: On January 23, 1981, the FAA issued a telegraphic airworthiness directive (AD) T81–03–51, effective upon receipt, to all known U.S. operators of DeHavilland DHC–7 series airplanes which required a one time inspection of the right and left wing flap screw jack tracks 2 and 3 for proper installation of the lock nut. During a ground functional test, one operator discovered the wing flap had been damaged when an improperly installed lock nut came off causing wing/flap interference. This amendment publishes the telegraphic AD in the **Federal Register** making it effective to all persons.

DATES: Effective date December 21, 1982. This AD was effective earlier to all recipients of telegraphic AD T81–03–51 dated January 23, 1981.

ADDRESSES: The service bulletin specified in this Airworthiness Directive may be obtained upon request to DeHavilland Aircraft of Canada Ltd., Downsview, Ontario M3K 145 or may be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Mr. Harold N. Wantiez, Foreign Aircraft Certification Branch, ANM–150S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767–2530. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: During a ground functional test of the wing flap on a DHC–7 airplane, it was discovered that a flap had suffered structural damage which was caused by a locking nut coming off of the flap screw jack which resulted in wing/flap interference. Investigation revealed that the nut had not been properly installed. Since this condition was likely to exist on other airplanes of this model, the FAA issued a telegraphic AD, T81–03–51, on January 23, 1981, which required a one time inspection of the left and right hand flap screw jack tracks 2 and 3 to ensure the lock nuts were properly installed. This AD publishes the telegraphic AD in the **Federal Register** to make it effective to all persons.

Since a situation existed, and still exists, that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

DeHavilland: Applies to model DHC–7 airplanes serial numbers 3 through 36 certificated in all categories that have flap screw jacks 2 and 3, left and right hand, part numbers 24020–11, –111, or –115; or 24040–11, –111, or –115 and are fitted with lock nuts, part number MS9952–08. To prevent possible damage to the flap system due to the disengagement of the lock nut, accomplish the following within the next 25 hours time in service after the effective date of this AD, unless already accomplished.

1. Inspect the flap screw jack tracks 2 and 3, Menasco part numbers 24020–11, –111 or –115 and 24040–11, –111 or –115 for correct locking feature of lock washer against the dome nut. To ensure the nuts are correctly installed, ensure that the cup lock washer P/N MS9952–08 has been tapped into groove of the lock nut P/N 24156–1 (Typical 6 places).

2. Lubricate the aft end bearing (P/N AD50991) lightly with grease P/N MIL–G–23877 or equivalent.

3. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA Northwest Mountain Region.

4. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

This amendment becomes effective December 21, 1982, and was effective earlier to those recipients of telegraphic AD T81–03–51 dated January 23, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89).

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further

determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Seattle, Washington, on December 1, 1982.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 82-33704 Filed 12-10-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-ASW-81]

Alteration of Transition Area; San Marcos, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the transition area at San Marcos, TX. On October 7, 1972 a notice of proposed rulemaking (NPRM) was published in the **Federal Register** stating the FAA proposed to alter the transition area at San Marcos, TX. Subsequent to this notice, it has been determined the proposed designated airspace is not adequate for the protection of aircraft executing standard instrument approach procedures (SIAP) using the instrument landing system (ILS) to Runway 12. This amendment will designate the needed airspace for aircraft conducting ILS approaches to the San Marcos Municipal Airport.

DATES: Effective January 20, 1983. Comments on the rule must be received before December 27, 1982.

ADDRESSES: Send comments on the action in triplicate to: Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region: Docket No. 82-ASW-81, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 624-4911,extension 302.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart G 71.181, as republished in Advisory Circular AC 70-3 dated January 29, 1982, contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. On October 7, 1982, a notice of proposed rulemaking (NPRM) was published in the **Federal Register** (47 FR 44342) stating the FAA proposed to alter the transition area at San Marcos, TX. Subsequent to the notice, it has been determined the proposed airspace is not adequate for the protection of aircraft executing a standard instrument approach procedure (SIAP) to Runway 12 at the San Marcos Municipal Airport using the newly installed instrument landing system (ILS). There is insufficient time to amend the transition area by normal public notice and procedure and effect the necessary airspace to accommodate the new ILS approach to be commissioned on January 20, 1983.

Request for Comments on the Rule

This action is in the form of a final rule which designates the needed airspace for the protection of aircraft executing an SIAP to the San Marcos Municipal Airport using the ILS to Runway 12. Although it was not preceded by notice and public procedure, comments are invited on the rule. The FAA believes the rule is in the best interest of the public because the designated airspace will be effective when the ILS system is commissioned on January 20, 1983, and, therefore, makes the proposed approach immediately available. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that further changes are necessary, appropriate rulemaking proceedings will be initiated to amend the regulation.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR 71) amends the dimensions of the San Marcos, TX, transition area. Because this action will be beneficial and in the best interest of the public, notice and public procedure thereon are unnecessary. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3 dated January 29, 1982.

List of Subjects in 14 CFR Part 71

Transition areas, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished in Advisory Circular AC 70-3 dated January 29, 1982, is amended, effective 0901 G.M.T., January 20, 1983, as follows:

San Marcos, TX—[Amended]

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the San Marcos Municipal Airport (latitude 29°53'36" N., longitude 97°51'52" W.) and within 7.5 miles each side of a 312° bearing of the airport to 24 miles northwest.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11/61(c))

Note.—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 "major rule" under Executive Order 12291; (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.

Issued in Fort Worth, TX, on November 26, 1982.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 82-33708 Filed 12-10-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 97

[Docket No. 23456; Amdt. No. 1231]

Air Traffic and General Operating Rules; Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or

changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination.—1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase.—Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA–430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription.—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendant of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO–730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4 and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

List of Subjects in 14 CFR Part 97

Approaches, Standard instrument.

Adoption of the Amendment

PART 97—[AMENDED]

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By amending § 97.23 VOR–VOR/DME SIAPs identified as follows:

** * * Effective February 17, 1983*

Covington, LA—Richard Privette Sr, VOR/DME–A, Original
Caldwell, TX—Caldwell Muni, VOR/DME–A, Original

** * * Effective January 20, 1983*

Corona, CA—Corona Muni, VOR–A, Amdt. 2
Orlando, FL—Orlando Intl, VOR Rwy 18L, Amdt. 3
Orlando, FL—Orlando Intl, VOR Rwy 18R, Amdt. 3
Orlando, FL—Orlando Intl, VOR/DME Rwy 18L, Amdt. 4
Orlando, FL—Orlando Intl, VOR/DME Rwy 18R, Amdt. 4
Orlando, FL—Orlando Intl, VOR/DME Rwy 36L, Amdt. 4
Orlando, FL—Orlando Intl, VOR/DME Rwy 36R, Amdt. 9
Paducah, KY—Farrington Airpark, VOR/DME–B, Amdt. 2
Mansfield, MA-Mansfield Muni, VOR–A, Amdt. 12
Tecumseh, MI—Al Meyers, VOR–A, Amdt. 5
Tupelo, MS—Industrial Airpark, VOR Rwy 11, Original
Neosho, MO—Neosho Meml, VOR–A, Amdt. 6
Cleveland, OH—Cuyahoga County, VOR Rwy 23, Amdt. 3
Willoughby, OH—Lost Nation, VOR Rwy 5, Amdt. 2
Willoughby, OH—Lost Nation, VOR Rwy 23, Amdt. 2
Willoughby, OH—Lost Nation, VOR Rwy 27, Amdt. 2
Orange, TX—Orange County, VOR/DME Rwy 21, Original
Plainview, TX—Hale County, VOR Rwy 4, Amdt. 6

** * * Effective November 29, 1982*

San Juan, PR—Puerto Rico Intl, VOR Rwy 8/10, Amdt. 9
San Juan, PR—Puerto Rico Intl, VOR Rwy 26, Amdt. 18

** * * Effective November 26, 1982*

Troy, AL—Troy Muni, VOR Rwy 7, Amdt. 2

** * * Effective November 23, 1982*

Mayaguez, PR—Mayaguez, VOR Rwy 9, Amdt. 8

** * * Effective November 22, 1982*

Ponce, PR—Mercedita, VOR Rwy 30, Amdt. 8

2. By amending § 97.25 SDF–LOC–LDA SIAPs identified as follows:

** * * Effective January 20, 1983*

Hancock, MI—Houghton County Memorial, LOC/DME (BC) Rwy 13, Amdt. 6
Cleveland, OH—Cuyahoga County, LOC BC Rwy 5, Amdt. 5
Sturgeon Bay, WI—Door County Cherryland, SDF Rwy 1, Original

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

** * * Effective January 20, 1983*

Hope, AR—Hope Municipal, NDB Rwy 16, Amdt. 2
Evansville, IN—Evansville Dress Regional, NDB Rwy 18, Original
Evansville, IN—Evansville Dress Regional, NDB Rwy 36, Original
Cherokee, IA—Cherokee Muni, NDB Rwy 36, Amdt. 2
Mansfield, MA—Mansfield Muni, NDB Rwy 32, Original
Tewksbury, MA—Tew-Mac, NDB–A, Amdt. 2
Hancock, MI—Houghton County Memorial, NDB Rwy 31, Amdt. 6
Traverse City, MI—Cherry Capital, NDB Rwy 28, Amdt. 5
Chillicothe, MO—Chillicothe Muni, NDB Rwy 14 Amdt. 5
Taos, NM—Taos Muni, NDB–A, Original
Taos, NM—Taos Muni, NDB–A, Amdt. 1, cancelled
Cleveland, OH—Cuyahoga County, NDB Rwy 23, Amdt. 3
Painesville, OH—Casement, NDB–B, Amdt. 7
Willoughby, OH—Lost Nation, NDB Rwy 9, Amdt. 7
Willoughby, OH—Lost Nation, NDB Rwy 27, Amdt. 10
Corsicana, TX—Corsicana Muni, NDB Rwy 14, Original
Woodbridge, VA—Woodbridge, NDB–A, Original
Sturgeon Bay, WI—Door County Cherryland, NDB Rwy 1, Amdt. 4

** * * Effective December 23, 1982*

Butler, PA—Butler County, NDB–B, Amdt. 3

** * * Effective November 29, 1982*

San Juan, PR—Puerto Rico Intl, NDB Rwy 8, Amdt. 7

** * * Effective November 26, 1982*

Troy, AL—Troy Muni, NDB Rwy 7, Amdt. 4

** * * Effective November 22, 1982*

Le Mars, IA—Le Mars Muni, NDB Rwy 18, Amdt. 6

** * * Effective November 19, 1982*

Phillips, WI—Price County, NDB–A, Amdt. 2

4. By amending § 97.29 ILS–MLS SIAPs identified as follows:

** * * Effective January 20, 1983*

Orlando, FL—Orlando Intl, ILS Rwy 18R, Amdt. 2
Orlando, FL—Orlando Intl, ILS Rwy 36R, Amdt. 4
Hancock MI—Houghton County Memorial, ILS Rwy 31, Amdt. 7
Traverse City MI—Cherry Capital, ILS Rwy 28, Amdt. 6
Cleveland, OH—Cuyahoga County, ILS Rwy 23, Amdt. 7

** * * Effective December 23, 1982*

Norfolk, VA—Norfolk Intl, ILS Rwy 23, Amdt. 3

** * * Effective November 29, 1982*

San Juan, PR—Puerto Rico Intl, ILS Rwy 8, Amdt. 14

** * * Effective November 26, 1982*

Troy, AL—Troy Muni, ILS Rwy 7, Amdt. 4

** * * Effective November 25, 1982*

Spokane, WA—Spokane Intl, ILS Rwy 3, Amdt. 2

5. By amending § 97.31 RADAR SIAPs identified as follows:

** * * Effective January 20, 1983*

Orlando, FL—Orlando Intl, RADAR–1, Amdt. 3
Denver, CO—Arapahoe County, RADAR–1, Amdt. 9, cancelled
Denver CO—Jeffco, RADAR–1, Amdt. 5 cancelled
St. Louis, MO—Lambert-St. Intl, RADAR–1, Amdt. 28, cancelled

** * * Effective November 26, 1982*

Troy, AL—Troy Muni, RADAR–1, Amdt. 4

6. By amending § 97.33 RNAV SIAPs identified as follows:

** * * Effective January 20, 1983*

Cleveland, OH—Cuyahoga County, RNAV Rwy 23, Amdt. 8
Neosho, MO—Neosho Meml, RNAV Rwy 19, Amdt. 3,
Davenport, IA—Davenport Muni, RNAV Rwy 15, Amdt. 4, cancelled
Davenport, IA—Davenport Muni, RNAV Rwy 33, Amdt. 4, cancelled

** * * Effective December 23, 1982*

Butler, PA—Butler County, RNAV Rwy 26, Amdt. 1

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3))

Note.—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 "major rule" under Executive Order 12291; (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. 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.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

Issued in Washington, D.C., on December 3, 1982.

John M. Howard,

Manager, Aircraft Programs Division.

[FR Doc. 82-33709 Filed 12-10-82; 8:45 am]

BILLING CODE 4710-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 229, 239, 240, and 249

[Release Nos. 33-6441, 34-19290, 40-12865, File No. S7-939]

Disclosure of Certain Relationships and Transactions Involving Management

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission today announced the adoption of a new Regulation S–K item, Item 404, which provides for uniform disclosure of transactions and relationships involving management, and the adoption of certain conforming rule, form and schedule amendments. These actions are being taken as part of the Commission's Proxy Review Program, which includes a comprehensive reexamination of the disclosure requirements and procedural provisions relating to the solicitation of proxies.

DATES: Effective date: Item 404 and the conforming amendments are effective for all documents filed on or after July 1, 1983. Registrants may comply with these provisions after publication in the **Federal Register.** If a registrant elects to comply with these provisions prior to July 1, 1983, it must comply with all applicable provisions upon the election to do so and in any subsequent filings.

FOR FURTHER INFORMATION CONTACT: Prior to the effective date, contact Susan P. Davis or Robert B. Pincus, (202) 272–2589, Office of Disclosure Policy, Division of Corporation Finance, Securities and Exchange Commission, 450 5th Street NW., Washington, D.C. 20549. After the effective date, contact John J. Gorman, (202) 272–2573, Office of Chief Counsel, Division of Corporation Finance, Securities and Exchange Commission, 450 5th Street NW., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced the adoption of amendments to Regulation S–K (17 CFR Part 229), Forms S–1 (17 CFR 239.11) and S–11 (17 CFR 239.18) under the Securities Act of 1933 (the "Securities Act") (15 U.S.C. 77a et seq. (1976 and Supp. IV 1980)), and Form 10 (17 CFR 249.210), Form 10–K (17 CFR 249.310), Schedule 14A (17 CFR 240.14a–101) and Schedule 14B (17 CFR 240.14a–102) under the Securities Exchange Act of 1934 (the "Exchange Act") (15 U.S.C. 78 et seq. (1976 and Supp. IV 1980)). These

amendments include: (1) Adoption of a new Item 404 of Regulation S–K (17 CFR 229.404) containing uniform disclosure requirements for transactions and relationships involving management in Securities Act and Exchange Act registration statements, periodic reports and proxy statements; (2) amendments to Itme 401 of Regulation S–K (17 CFR 229.401) concerning disclosure of the business experience of executive officers and directors; (3) amendments to Item 402 of Regulation S–K (17 CFR 229.402) rescinding certain disclosure requirements that have been incorporated into new Item 404 relating to transactions with management, indebtedness of management, and transactions with promoters, and rescinding the disclosure requirements relating to transactions with pension plans; (4) amendments to Item 403 of Regulation S–K (17 CFR 229.403) clarifying beneficial ownership disclosure; (5) amendments to Forms S–1, S–11, 10 and 10–K and Schedules 14A and 14B requiring the disclosure called for by new Item 404; and (6) amendments to Item 6(b) of Schedule 14A rescinding certain disclosure requirements concerning relationships of directors, some of which are proposed to be incorporated into new Item 404.

The amendments adopted today relate, for the most part, to proposals that were published for comment in July 1982.[1] The comments received on the proposals generally were favorable. Several changes have been made in the proposals in response to comments, including a change in the class of relatives of certain persons connected with management whose transactions and indebtedness may be required to be disclosed.

This release focuses primarily on the changes made from the proposals and the basis for such revisions. As background for this discussion, the release briefly recounts the history of the development of proposed Item 404 and the comments received in response to the proposed new Item. Readers are directed to the text of the amendments and to the Proposing Release for a more complete understanding of the amendments.

I. Background

Item 404, "Certain relationships and related transactions," and the related coordinating amendments were proposed for comment in July 1982, as the Commission's first rulemaking initiatives under its comprehensive review of the rules and regulations applicable to the solicitation of proxies. The proposed Item was based primarily on the two existing disclosure requirements that relate to transactions involving the registrant and persons connected with management: Item 402(f) of Regulation S–K, the provisions of which were adopted in 1942 to elicit information regarding certain transactions involving management; [2] and Item 6(b) of Schedule 14A, which was adopted in 1978 [3] to elicit disclosure regarding important relationships between directors or nominees for director and significant customers, suppliers or creditors of the registrant.

The development of a uniform disclosure item based on Items 402(f) and 6(b) originally was suggested in a release published in February 1981 proposing amendments to simplify reporting under Item 6(b) (the "February 1981 Release").[4] In that release, the Commission expressed concern that the existence of two disclosure items which, although serving different purposes, both required the registrant to review transactions involving management had led to confusion, overlapping review of information and duplicative disclosure. Accordingly, it included a specific inquiry as to the desirability of combining Items 402(f) and 6(b).

In response to this specific inquiry, commentators expressed a great deal of interest in the development of a uniform item.[5] Accordingly, the Commission began its Proxy Review Program with a review of Items 402(f) and 6(b) in order to extract the basic information about transactions and relationships relevant to both investment and voting decisions.

The Commission's review of this area resulted in the proposal of a new Item 404 of Regulation S–K that would elicit uniform disclosure of transactions and relationships in proxy statements and, where applicable, in Securities Act and Exchange Act registration statements and reports. Proposed Item 404 was divided into four sections. Proposed paragraph (a) contained requirements derived from Item 402 relating to disclosure of transactions with management. Proposed paragraph (b) set forth disclosure requirements derived from Item 6(b), pertaining to relationships between directors or nominees of the registrant and significant suppliers, customers and creditors, including law and investment banking firms providing services to the registrant. The Commission also proposed to include in Item 404 other requirements from Item 402, relating to disclosure of management indebtedness and transactions with promoters, setting forth those requirements as paragraphs (c) and (d), respectively.

II. Overview of Comments

The Commission's proposed Item 404 and related amendments generated a substantial amount of commentary.[6] Most of the commentators commended the Commission's efforts to simplify disclosure and reduce compliance burdens on registrants without sacrificing investor protection. Additionally, they overwhelmingly supported the incorporation of all the disclosure requirements relating to transactions and relationships involving management into one item and expressed the view that these proposals represented a step in the right direction.

Many of the commentators also suggested ways in which they believed the proposals should be changed. The specific comments and suggestions focused primarily on three areas: (1) The class of relatives covered by Item 404; (2) the specific inquiry concerning limiting disclosure of transactions and indebtedness, in the case of officers, to "executive" officers; and (3) directors' or nominees' relationships with law and investment banking firms. Several of the specific comments and suggestions are reflected in changes to Item 404 as adopted. These comments, as well as others not reflected in Item 404, are discussed below.

III. Discussion of Item 404

A. Transactions With Management and Others

Paragraph (a) of Item 404, which sets forth the disclosure requirements with respect to transactions in which certain specified persons connected with the registrant have a direct or indirect material interest, is derived from Item 402(f). The Commission has determined to adopt Item 404(a) with several modifications.

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[1] Release No. 33–6416 (July 6, 1982) (47 FR 31394) (the "Proposing Release"). The amendments adopted today also include certain proposals regarding beneficial ownership that were published for comment in February 1981 (Release No. 34–17517 (February 5, 1981) (46 FR 12011)).

[2] Release No. 34–3347 (December 18, 1942) (7 FR 10653).

[3] Release No. 34–15384 (December 6, 1978) (43 FR 58552).

[4] *See* footnote 1, *supra.*

[5] *See* the comment letters in response to the February 1981 Release. A copy of the highlight of comments, as well as the letters of comment, are available for public inspection and copying at the Commission's Public Reference Room. (*See* File No. S7–871).

[6] Ninety-nine letter of comment were received in response to the proposals. A copy of the highlight of comments, as well as the letters of comment, are available for public inspection and copying at the Commission's Public Reference Room. (*See* File No. S7–939.)

First, as proposed, Item 404(a) would have required disclosure of transactions involving more than $50,000 in which certain specified persons have a material interest. In response to comments indicating that the threshold was too low, and for purposes of consistency with certain other recent rulemaking initiatives,[7] the Commission is raising such threshold to $60,000.[8]

Second, Proposed Item 404(a)(1) would have required disclosure of transactions involving the registrant and any of its officers. The Commission solicited comment, however, as to whether transactions of only executive officers [9] rather than all officers should be required to be disclosed. In response to this inquiry, the commentators overwhelmingly advocated limiting such disclosure to executive officers, because, in their view, executive officers are the persons who are in a position to commit the registrant to the types of transactions meant to be disclosed. The Commission agrees and has modified Item 404(a)(1) accordingly.[10]

Third, proposed Item 404(a) would have required disclosure of certain transactions involving relatives of any of the persons named in paragraph (a)(1) through (3), specifically any director or officer of the registrant, nominee for director or five percent owner of a class of the registrant's securities (hereinafter all such persons are referred to as "primary reporting persons") who are "no more remote than first cousin." The class of relatives covered, as proposed, was broader than the class of relatives covered by Item 402(f) [11] because certain relatives may be able to benefit personally from transactions with the registrant, even though they do not live in the same household as the primary reporting person.

This proposal was subjected to substantial criticism. Commentators stated that the proposal would impose not only a heavy but also an impracticable compliance burden on directors, officers and five percent owners. Such persons would be required to ascertain the business activities of numerous relatives, including cousins by marriage, great aunts and uncles and grandnieces and nephews in order to generate the required information. Furthermore, commentators contended that disclosure of transactions involving such distant relatives would not provide meaningful disclosure to security holders.

In view of these comments, the Commission has reexamined this area and determined to modify its proposal concerning the class of relatives whose transactions with the registrant are required to be disclosed. Item 404(a)(4), as revised, covers transactions only with "members of the immediate family" of the primary reporting persons. A new Instruction 2 to Item 404(a) had been added to define immediate family as a person's spouse, parents, children, siblings, mothers and fathers-in-law, sons and daughters-in-law, and brothers and sisters-in-law.[12] This revision will ensure that adequate disclosure is made of those transactions in which conflicts of interest are most likely to exist without imposing undue burdens upon registrants.[13]

Finally, the Commission is reorganizing the instructions to Item 404(a), as suggested by one commentator, to place them in a more practicable order. In addition, the Commission is retaining the portion of Instruction 8 to Item 402(f), relating to the materiality of certain interests, that it had proposed to delete when including that Instruction under Item 404. It is being included as part of Instruction 1 to Item 404(a).

B. Certain Business Relationships

Paragraph (b) of Item 404 is derived from the disclosure requirements of Items 6(b) (3), (4), (5) and (7) of Schedule 14A regarding relationships between directors and nominees of the registrant and significant customers, suppliers and creditors of the registrant. In proposing Item 404(b), the Commission attempted to streamline significantly the disclosure requirements regarding relationships in view of comments received on the February 1981 Release to the effect that these requirements place heavy compliance burdens on registrants without always providing material information to security holders.

The vast majority of commentators were supportive of the Commission's efforts to streamline and improve disclosure of relationships, and the Commission has determined to adopt Item 404(b) substantially as proposed, with revisions made for purposes of clarification and to conform the ownership threshold for disclosure of relationships to that contained in Item 404(a). First, Item 404(b) is revised to make clear that a directors' relationship with significant customers, suppliers and creditors is required to be disclosed if it existed at any time during the past fiscal year. Second, Item 404(b) is modified to make clear that the registrant's fiscal year should be used when computing payments to or from the registrant, while the other entity's fiscal year should be used in computing payments to or from such other entity.

The consolidation of the requirements of Items 6(b) and 402(f) necessitated the addition of a new instruction to Item 404(b). New Instruction 4, consistent with existing requirements permits the omission of the information called for by Item 404(b) with respect to any director who is no longer a director at the time of filing the registration statement or report containing such disclosure, or, in the case of a proxy or information statement, will no longer be a director after the meeting of security holders to which the statement relates.[14]

In addition, the Commission is adopting as proposed paragraphs (b) (4) and (5) regarding disclosure of relationships with law and investment banking firms. Pursuant to existing Items 6(b) (4) and (5), both the existence of, and the dollar amount involved in, any relationship between a director or nominee and a law or investment banking firm is required to be disclosed. The Commission proposed to permit the omission of the dollar amounts involved

[7] This action is consistent with amendments adopted recently to various Securities Act and Exchange Act rules to raise the dollar limits contained therein. (Release No. 33-6414 (June 29, 1982) (47 FR 29651)).

[8] This revision is also being made to the threshold in Item 404(c).

[9] Pursuant to Rule 405 under the Securities Act (17 CFR 230.405) and Rule 3b-7 under the Exchange Act (17 CFR 240.3b-7), the term "executive officer," "when used in reference to a registrant, means its president, any vice president of the registrant in charge of a principal business unit, division or function (such as sales, administration or finance), any other officer who performs a policy making function or any other person who performs similar policy making functions for the registrant. Executive officers of subsidiaries may be deemed executive officers of the registrant if they perform such policy making functions for the registrant."

[10] This revision also is being made to paragraphs 404 (b) and (c), with respect to the class of officers covered by those items.

[11] The class of relatives covered by Item 402(f) consists of any relative of a primary reporting person who lives in the same household as such person, or who is a director or officer of any parent or subsidiary of the registrant.

[12] The same revision also is being made to Item 404(c)(3) with respect to the class of relatives of primary reporting persons whose indebtedness is required to be disclosed. A new Instruction 1 has been added to Item 404(c) indicating that the members of a person's immediate family means the same persons as specified in Instruction 2 to Item 404(a).

[13] In this regard, several commentators contended that information regarding transactions with certain relatives of a primary reporting person may not always be available to the registrant. The Commission believes, however, that its rules regarding the unavailability of information adequately address this issue. *See* Rule 409 under the Securities Act (17 CFR 230.409) and Rules 12b-21 (17 CFR 240.12b-21) and 14a-5(b) (17 CFR 240.14a-5(b)) under the Exchange Act.

[14] The preamble to Item 6 of Schedule 14A is revised to reflect this change.

where such amounts do not exceed five percent of the law firm's gross revenues or the investment banking firm's consolidated gross revenues, but proposed to continue to require disclosure of the existence of such relationships regardless of the dollar amount involved. Additionally, the Commission requested specific comment as to whether relationships with law and investment banking firms should be treated the same as relationships with other suppliers of services by requiring disclosure of the existence of such relationships only if the amount of business between the law or investment banking firm and the registrant exceeds five percent of the firm's or registrant's gross revenues. While many of the commentators responding to this inquiry contended that relationships with law and investment banking firms should be treated the same as relationships with other suppliers of services, some commentators expressed the opinion that such relationships are different from other suppliers of services and should be required to be disclosed regardless of the dollar amount involved.

The Commission also is adopting the *de minimis* subsidiary exclusions in Instructions 2.C. and 3.C. to Item 404(b) as proposed. Those Instructions, which generally were supported by commentators, permit registrants to exclude payments made or received by, or indebtedness incurred by, subsidiaries other than significant subsidiaries when computing the aggregate amount of payments for services or property or aggregate indebtedness. This exclusion is available only if all such *de minimis* subsidiaries engaged in transactions when considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary. Some commentators suggested eliminating the aggregation proviso, but the Commission believes that when *de minimis* subsidiaries, in the aggregate, represent a material part of the registrant's business, such transactions are important to investors.

Finally, the Commission has raised the ownership threshold for disclosure of business relationships between the registrant and significant customers, suppliers or creditors in which a director has an equity interest from five percent, as proposed, to ten percent. By conforming the ownership threshold in paragraph (b) to that in paragraph (a) compliance burdens should be reduced.

C. Indebtedness of Management

Paragraph (c) of Item 404 is derived from the disclosure requirements of Item 402(e), with modifications in the following areas: (1) The class of relatives covered; (2) the officers covered; (3) nonperforming loans; and (4) the threshold for disclosure. The Commission proposed to modify the class of relatives covered to that proposed in Item 404(a) and to require disclosure of nonperforming loans. In addition, a specific inquiry was made as to whether disclosure of loans, in the case of officers, should be limited to executive officers. As adopted, Item 404(c) covers the immediate family of primary reporting persons, as specified in Item 404(a), and limits disclosure to executive officers.[15]

The Commission also is adopting the disclosure requirements concerning nonperforming loans in Instruction 3 to Item 404(c) (proposed as Instruction 2). That Instruction exempts banks, savings and loan associations and broker-dealers extending credit under Federal Reserve Regulation T [16] from having to describe loans made in the ordinary course of business on substantially the same terms as those for comparable transactions that do not involve more than the normal risk of collectability. As adopted, the Instruction limits the exemption to loans that are not nonperforming. The Commission, however, has removed the definition of "nonperforming loans" in Instruction 3 because it is set forth in Industry Guide 3, Statistical disclosure by bank holding companies.

Finally, the Commission had proposed to delete the exclusion for transactions in the ordinary course of business in Instruction 2 to Item 402(e) because it believed it was duplicative of other exclusions. Commentators contended, however, that the exclusion was not redundant and was necessary to cover certain relocation expenses. In light of these comments, the Commission has determined to retain the exclusion.

D. Transactions With Promoters

Paragraph (d) of Item 404 is derived from the disclosure requirements of Item 402(h) and reflects the Commission's belief that the disclosure of transactions with promoters is more appropriately included with other provisions concerning potential conflicts of interest in Item 404 than in an item dealing with remuneration. No comments were directed to this provision, and the Commission has adopted it as proposed.

E. Other Proposed Revisions

1. *Disclosure of transactions with pension plans.* The Commission proposed to rescind current Item 402(g) of Regulation S–K, relating to disclosure of transactions with pension or similar plans, because the Item appeared unnecessary in light of the extent to which affiliated transactions by pension plans generally are regulated under the Employee Retirement Security Act of 1974.[17] The Commission requested specific comment, however, as to whether such action would eliminate meaningful disclosure. Most of the commentators responding to this inquiry stated that rescission of Item 402(g) would not eliminate meaningful disclosure. In light of these comments and its own experience, the Commission has determined to rescind Item 402(g).

2. *Inclusion of Schedule 1 to Article 9 of Regulation S–X in proxy statements.* Concomitantly with the proposal of Item 404, the Commission proposed amendments to Article 9 of Regulation S–X[18] to rescind Schedule 1, which requires disclosure of loans from the registrant to its executive officers and principal shareholders.[19] The Commission solicited comment as to whether that Schedule, or the disclosure elicited by it, should be included in proxy statements. The commentators responding to that request unanimously opposed the inclusion of such information in proxy statements. They opined that the need for disclosure in this area, to the extent it ever existed, was alleviated substantially by the passage of the Financial Institutions Regulatory Interest Rate Control Act of 1978.[20] In light of these comments, the Commission has determined not to require such information in proxy statements.

IV. Beneficial Ownership

The Commission is adopting two amendments to Item 403 of Regulation S–K that were proposed in the February 1981 Release.[21] In that Release, the

[15] *See* text accompanying notes 10 and 12, *supra*.

[16] 12 CFR Part 220.

[17] 29 U.S.C. 1001 et seq.

[18] 17 CFR Part 210.

[19] Release No. 33–6417 (July 9, 1982) (47 FR 32158).

[20] Pub. L. No. 95–630, 92 Stat. 3713 (1978).

[21] The February 1981 Release also contained a number of other proposals that are not being acted on today. The status of those proposals is as follows: (1) Proposed amendments to Item 6(d) of Schedule 14A regarding full board consideration of shareholder nominations were reproposed in Release No. 33–6338 (August 6, 1981) (46 FR 42042) and will be considered as part of a later proxy program project; (2) proposed amendments to Item 22 of Schedule 14A regarding disclosure of the vote required for election of directors were reproposed in Release No. 33–6338 and also will be considered as part of a later proxy program project; (3) proposed amendments to Item 9 of Schedule 14A regarding clarification of remuneration disclosure requirements were reproposed in Release 33–6338 and will be reconsidered in connection with the forthcoming proposed revisions to Item 402 of

Commission announced its intention to act upon certain amendments to Item 403 relating to the clarification of beneficial ownership disclosure at the time final action was taken with respect to Item 404. First, the Commission proposed to amend instruction 5 to Item 403 to direct registrants not to count shares more than once when computing, pursuant to paragraph (b) of Item 403, the aggregate number of shares owned by directors and officers as a group. In addition, the Commission proposed to amend Instruction 1 to permit registrants to omit precise ownership percentages when the percentage for a particular individual, or all officers and directors as a group, represents less than one percent of the subject class of securities, provided that the registrant discloses by footnote or similar means the fact that the ownership figure is less than one percent. The majority of the commentators supported these proposals and the Commission has determined to adopt them as proposed.

V. Coordinating Amendments to Forms and Schedules

In coordination with the adoption of uniform Regulation S–K Item 404, the Commission is amending registration Forms S–1 and S–11 under the Securities Act, and Forms 10 and 10–K and Schedules 14A and 14C under the Exchange Act to require the information called for by Item 404. The Commission also is making certain renumbering changes necessitated by the addition of Item 404 to such forms and schedules. Finally, the Commission is amending Item 401(e) of Regulation S–K, as proposed, to require that registrants indicate, in identifying any corporations or other organizations by which the enumerated persons have been employed during the past five years, whether such corporation or organization is a parent, subsidiary or other affiliate of the registrant.

VI. Statutory Authority and Findings

The Commission hereby adopts Item 404 of Regulation S–K and other conforming amendments pursuant to its statutory authority in Sections 6, 7, 8, 10 and 19(a) of the Securities Act and Sections 12, 13, 14, 15(d) and 23(a) of the Exchange Act. As required by Section 23(a) of the Exchange Act, the Commission has considered the impact that these rulemaking actions would have on competition and has concluded that they would impose no significant burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act.

List of Subjects in 17 CFR 229, 239, 240, and 249

Reporting requirements and securities.

VII. Text of Amendments

In accordance with the foregoing, Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

PART 229—STANDARD INSTRUCTIONS FOR FILING FORMS UNDER SECURITIES ACT OF 1933 AND SECURITIES EXCHANGE ACT OF 1934—REGULATION S–K

1. By revising paragraph (e)(1) of § 229.401 to read as follows:

§ 229.401 (Item 401) Directors and executive officers.

(e) *Business experience.* (1) *Background.* Briefly describe the business experience during the past five years of each director, executive officer, person nominated or chosen to become a director or executive officer, and each person named in answer to paragraph (c) of Item 401, including: Each person's principal occupations and employment during the past five years; the name and principal business of any corporation or other organization in which such occupations and employment were carried on; and whether such corporation or organization is a parent, subsidiary or other affiliate of the registrant. When an executive officer or person named in response to paragraph (c) of Item 401 has been employed by the registrant or a subsidiary of the registrant for less than five years, a brief explanation shall be included as to the nature of the responsibility undertaken by the individual in prior positions to provide adequate disclosure of his prior business experience. What is required is information relating to the level of his professional competence, which may include, depending upon the circumstances, such specific information as the size of the operation supervised.

* * * * *

2. By amending § 229.402 to change its title to Management remuneration, to remove paragraphs (e), (f), (g) and (h), to redesignate paragraph (i) as paragraph (e), and to revise Instruction 5 to paragraph (a) as follows:

§ 229.402 (Item 402) Management remuneration.

(a) Remuneration. * * *

Instructions to Paragraph (a) of Item 402.

* * * * *

5. *Transactions with third parties.* * * * Other transactions between the registrant and third parties in which persons specified in paragraph (a) of Item 402 have an interest, or may realize a benefit, generally are addressed by other disclosure requirements concerning the interests of management and others in certain transactions, particularly paragraph (a) of Item 404. Paragraph (a) of Item 402 does not require disclosure of remuneration paid to a partnership in which any officer or director was a partner; any such transactions shall be disclosed pursuant to these other disclosure requirements, and not as a note to the remuneration table presented pursuant to paragraph (a) of Item 402.

* * * * *

3. By amending § 229.403 to revise Instructions 1 and 5 as follows:

§ 229.403 (Item 403) Security ownership of certain beneficial owners and management.

* * * * *

Instructions to Item 403. 1. The percentages are to be calculated on the basis of the amount of outstanding securities, excluding securities held by or for the account of the registrant or its subsidiaries, plus securities deemed outstanding pursuant to Rule 13d–3(d)(1) under the Exchange Act 17 (CFR 240.13d–3(d)(1)). For purposes of paragraph (b), if the percentage of shares beneficially owned by any director or nominee, or by all directors and officers of the registrant as a group, does not exceed one percent of the class so owned, the registrant may, in lieu of furnishing a precise percentage, indicate this fact by means of an asterisk and explanatory footnote or other similar means.

* * * * *

5. Where more than one beneficial owner is known to be listed for the same securities, appropriate disclosure should be made to avoid confusion. For purposes of paragraph (b), in computing the aggregate number of shares owned by directors and officers of the registrant as a group, the same shares shall not be counted more than once.

* * * * *

4. By adding § 229.404 to read as follows:

§ 229.404 (Item 404) Certain relationships and related transactions.

(a) *Transactions with management and others.* Describe briefly any transaction, or series of similar transactions, since the beginning of the registrant's last fiscal year, or any currently proposed transaction, or series of similar transactions, to which the registrant or any of its subsidiaries was or is to be a party, in which the amount involved exceeds $60,000 and in which any of the following persons had, or will have, a direct or indirect material interest, naming such person and indicating the person's relationship to the registrant, the nature of such

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Regulation S–K; (4) proposed clarifying amendments to Item 402(d)(iv) were reproposed in Release No. 33–6332 (August 6, 1981) (46 FR 41925) and also will be considered as part of the proposed revisions to Item 402; and (5) proposed amendments to Rule 14a–8 under the Exchange Act regarding shareholder proposals were replaced by new proposals in this area. *See* Release No. 34–19135 (October 14, 1982) (47 FR 47420).

person's interest in the transaction(s), the amount of such transaction(s) and, where practicable, the amount of such person's interest in the transaction(s):

(1) Any director or executive officer of the registrant;

(2) Any nominee for election as a director;

(3) Any security holder who is known to the registrant to own of record or beneficially more than five percent of any class of the registrant's voting securities; and

(4) Any member of the immediate family of any of the foregoing persons.

Instructions to Paragraph (a) of Item 404. 1. The materiality of any interest is to be determined on the basis of the significance of the information to investors in light of all the circumstances of the particular case. The importance of the interest to the person having the interest, the relationship of the parties to the transaction with each other and the amount involved in the transactions are among the factors to be considered in determining the significance of the information to investors.

2. For purposes of paragraph (a), a person's immediate family shall include such person's spouse; parents; children; siblings; mothers and fathers-in-law; sons and daughters-in-law; and brothers and sisters-in-law.

3. In computing the amount involved in the transaction or series of similar transactions, include all periodic installments in the case of any lease or other agreement providing for periodic payments or installments.

4. The amount of the interest of any person specified in paragraphs (a) (1) through (4) shall be computed without regard to the amount of the profit or loss involved in the transaction(s).

5. In describing any transaction involving the purchase or sale of assets by or to the registrant or any of its subsidiaries, otherwise than in the ordinary course of business, state the cost of the assets to the purchaser and, if acquired by the seller within two years prior to the transaction, the cost thereof to the seller. Indicate the principle followed in determining the registrant's purchase or sale price and the name of the person making such determination.

6. Information shall be furnished in answer to paragraph (a) with respect to transactions that involve remuneration from the registrant or its subsidiaries, directly or indirectly, to any of the persons specified in paragraphs (a) (1) through (4) for services in any capacity unless the interest of such person arises solely from the ownership individually and in the aggregate of less than ten percent of any class of equity securities of another corporation furnishing the services to the registrant or its subsidiaries.

7. No information need be given in answer to paragraph (a) as to any transactions where:

A. The rates or charges involved in the transaction are determined by competitive bids, or the transaction involves the rendering of services as a common or contract carrier, or public utility, at rates or charges fixed in conformity with law or governmental authority;

B. The transaction involves services as a bank depositary of funds, transfer agent, registrar, trustee under a trust indenture, or similar services; or

C. The interest of the person specified in paragraphs (a) (1) through (4) arises solely from the ownership of securities of the registrant and such person receives no extra or special benefit not shared on a pro rata basis.

8. Paragraph (a) requires disclosure of indirect, as well as direct, material interests in transactions. A person who has a position or relationship with a firm, corporation, or other entity that engages in a transaction with the registrant or its subsidiaries may have an indirect interest in such transaction by reason of such position or relationship. Such an interest, however, shall not be deemed "material" within the meaning of paragraph (a) where:

A. The interest arises only: (i) From such person's position as a director of another corporation or organization which is a party to the transaction; or (ii) from the direct or indirect ownership by such person and all other persons specified in paragraphs (a) (1) through (4), in the aggregate, of less than a ten percent equity interest in another person (other than a partnership) which is a party to the transaction; or (iii) from both such position and ownership;

B. The interest arises only from such person's position as a limited partner in a partnership in which the person and all other persons specified in paragraphs (a) (1) through (4) have an interest of less than ten percent; or

C. The interest of such person arises solely from the holding of an equity interest (including a limited partnership interest, but excluding a general partnership interest) or a creditor interest in another person that is a party to the transaction with the registrant or any of its subsidiaries, and the transaction is not material to such other person.

9. There may be situations where, although these instructions do not expressly authorize nondisclosure, the interest of a person specified in paragraphs (a) (1) through (4) in a particular transaction or series of transactions is not a direct or indirect material interest. In that case, information regarding such interest and transaction is not required to be disclosed in response to this paragraph.

(b) *Certain business relationships.* Describe any of the following relationships regarding directors or nominees for director that exist, or have existed during the registrant's last fiscal year, indicating the identity of the entity with which the registrant has such a relationship, the name of the nominee or director affiliated with such entity and the nature of such nominee's or director's affiliation, the relationship between such entity and the registrant and the amount of the business done between the registrant and the entity during the registrant's last full fiscal year or proposed to be done during the registrant's current fiscal year:

(1) If the nominee or director is, or during the last fiscal year has been, an executive officer of, or owns, or during the last fiscal year has owned, of record or beneficially in excess of ten percent equity interest in, any business or professional entity that has made during the registrant's last full fiscal year, or proposes to make during the registrant's current fiscal year, payments to the registrant or its subsidiaries for property or services in excess of five percent of (i) the registrant's consolidated gross revenues for its last full fiscal year, or (ii) the other entity's consolidated gross revenues for its last full fiscal year;

(2) If the nominee or director is, or during the last fiscal year has been, an executive officer of, or owns, or during the last fiscal year has owned, of record or beneficially in excess of ten percent equity interest in, any business or professional entity to which the registrant or its subsidiaries has made during the registrant's last full fiscal year, or proposes to make during the registrant's current fiscal year, payments for property or services in excess of five percent of (i) the registrant's consolidated gross revenues for its last full fiscal year, or (ii) the other entity's consolidated gross revenues for its last full fiscal year;

(3) If the nominee or director is, or during the last fiscal year has been, an executive officer of, or owns, or during the last fiscal year has owned, of record or beneficially in excess of ten percent equity interest in, any business or professional entity to which the registrant or its subsidiaries was indebted at the end of the registrant's last full fiscal year in an aggregate amount in excess of five percent of the registrant's total consolidated assets at the end of such fiscal year;

(4) If the nominee or director is, or during the last fiscal year has been, a member of, or of counsel to, a law firm that the issuer has retained during the last fiscal year or proposes to retain during the current fiscal year; *Provided, however,* that the dollar amount of fees paid to a law firm by the registrant need not be disclosed if such amount does not exceed five percent of the law firm's gross revenues for that firm's last full fiscal year;

(5) If the nominee or director is, or during the last fiscal year has been, a partner or executive officer of any investment banking firm that has performed services for the registrant, other than as a participating underwriter in a syndicate, during the last fiscal year or that the registrant proposes to have perform services during the current year; *Provided, however,* That the dollar

amount of compensation received by an investment banking firm need not be disclosed if such amount does not exceed five percent of the investment banking firm's consolidated gross revenues for that firm's last full fiscal year; or

(6) Any other relationships that the registrant is aware of between the nominee or director and the registrant that are substantially similar in nature and scope to those relationships listed in paragraphs (b) (1) through (5).

Instructions to Paragraph (b) of Item 404. 1. In order to determine whether payments or indebtedness exceed five percent of the consolidated gross revenues of any entity, other than the registrant, it is appropriate to rely on information provided by the nominee or director.

2. In calculating payments for property and services the following may be excluded:

A. Payments where the rates or charges involved in the transaction are determined by competitive bids, or the transaction involves the rendering of services as a common contract carrier, or public utility, at rates or charges fixed in conformity with law or governmental authority;

B. Payments that arise solely from the ownership of securities of the registrant and no extra or special benefit not shared on a pro rata basis by all holders of the class of securities is received; or

C. Payments made or received by subsidiaries other than significant subsidiaries as defined in Rule 1–02(v) of Regulation S–X (§ 210.1–02(v) of this chapter), provided that all such subsidiaries making or receiving payments, when considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary as defined in Rule 1–02(v).

3. In calculating indebtedness the following may be excluded:

A. Debt securities that have been publicly offered, admitted to trading on a national securities exchange, or quoted on the automated quotation system of a registered securities association;

B. Amounts due for purchases subject to the usual trade terms; or

C. Indebtedness incurred by subsidiaries other than significant subsidiaries as defined in Rule 1–02(v) of Regulation S–X (§ 210.1–02(v) of this chapter), provided that all such subsidiaries incurring indebtedness, when considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary as defined in Rule 1–02(v).

4. No information called for by paragraph (b) need be given respecting any director who is no longer a director at the time of filing the registration statement or report containing such disclosure. If such information is being presented in a proxy or information statement, no information need be given respecting any director whose term of office as a director will not continue after the meeting to which the statement relates.

(c) *Indebtedness of management.* If any of the following persons has been indebted to the registrant or its subsidiaries at any time since the beginning of the registrant's last fiscal year in an amount in excess of $60,000, indicate the name of such person, the nature of the person's relationship by reason of which such person's indebtedness is required to be described, the largest aggregate amount of indebtedness outstanding at any time during such period, the nature of the indebtedness and of the transaction in which it was incurred, the amount thereof outstanding as of the latest practicable date and the rate of interest paid or charged thereon:

(1) Any director or executive officer of the registrant;

(2) Any nominee for election as a director;

(3) Any member of the immediate family of any of the persons specified in paragraph (c) (1) or (2);

(4) Any corporation or organization (other than the registrant or a majority-owned subsidiary of the registrant) of which any of the persons specified in paragraph (c) (1) or (2) is an executive officer or partner or is, directly or indirectly, the beneficial owner of ten percent or more of any class of equity securities; and

(5) Any trust or other estate in which any of the persons specified in paragraph (c) (1) or (2) has a substantial beneficial interest or as to which such person serves as a trustee or in a similar capacity.

Instructions to Paragraph (c), of Item 404. 1. For purposes of paragraph (c), the members of a person's immediate family are those persons specified in Instruction 2 to Item 404(a).

2. Exclude from the determination of the amount of indebtedness all amounts due from the particular person for purchases subject to usual trade terms, for ordinary travel and expense payments and for other transactions in the ordinary course of business.

3. If the lender is a bank, savings and loan association, or broker-dealer extending credit under Federal Reserve Regulation T (12 CFR Part 220) and the loans are not nonperforming, disclosure may consist of a statement, if such is the case, that the loans to such persons (A) were made in the ordinary course of business, (B) were made on substantially the same terms, including interest rates and collateral, as those prevailing at the time for comparable transactions with other persons, and (C) did not involve more than the normal risk of collectability or present other unfavorable features. *See,* Industry Guide 3, Statistical disclosure by bank holding companies.

4. If any indebtedness required to be described arose under Section 16(b) of the Exchange Act and has not been discharged by payment, state the amount of any profit realized, that such profit will inure to the benefit of the registrant or its subsidiaries and whether suit will be brought or other steps taken to recover such profit. If, in the opinion of counsel, a question reasonably exists as to the recoverability of such profit, it will suffice to state all facts necessary to describe the transactions, including the prices and number of shares involved.

(d) *Transactions with promoters.* Registrants that have been organized within the past five years and that are filing a registration statement on Form S–1 under the Securities Act (§ 239.11 of this chapter) or on Form 10 under the Exchange Act (§ 239.210 of this chapter) shall:

(1) State the names of the promoters, the nature and amount of anything of value (including money, property, contracts, options or rights of any kind) received or to be received by each promoter, directly or indirectly, from the registrant and the nature and amount of any assets, services or other consideration therefore received or to be received by the registrant; and

(2) As to any assets acquired or to be acquired by the registrant from a promoter, state the amount at which the assets were acquired or are to be acquired and the principle followed or to be followed in determining such amount and identify the persons making the determination and their relationship, if any, with the registrant or any promoter. If the assets were acquired by the promoter within two years prior to their transfer to the registrant, also state the cost thereof to the promoter.

Instructions to Item 404. 1. No information need be given in response to any paragraph of Item 404 as to any remuneration or other transaction reported in response to any other paragraph of Item 404 or to Item 402 of Regulation S–K (§ 229.402 of this chapter) or as to any remuneration with respect to which information may be omitted pursuant to Item 402.

2. If the information called for by Item 404 is being presented in a registration statement filed pursuant to the Securities Act or the Exchange Act, information shall be given for the periods specified in the Item and, in addition, for the two fiscal years preceding the registrant's last fiscal year.

3. A non-Canadian foreign private issuer eligible to use Form 20–F (§ 249.220f of this chapter) may respond to Item 404 only to the extent that the registrant discloses to its security holders or otherwise makes public the information specified in that Item.

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

5. By amending Item 11 of Form S–1 in § 239.11 to revise paragraphs (k) and (l) and to add a new paragraph (m) as follows (From S–1 does not appear in the Code of Federal Regulations):

§ 239.11 Form S–1, registration statement under the Securities Act of 1933.

* * * * *

Item 11. *Information With Respect to the Registrant—*

* * * * *

(k) Information required by Item 402 of Regulation S–K (§ 229.402 of this chapter), management remuneration;

(l) Information required by Item 403 of Regulation S–K (§ 229.403 of this chapter), security ownership of certain beneficial owners and management; and

(m) Information required by Item 404 of Regulation S–K (§ 229.404 of this chapter), certain relationships and related transactions.

* * * * *

6. By amending Form S–11 in § 239.18 to change the title of Item 22 to Management Remuneration, to renumber Items 23–35 as Items 24–36 and to add a new Item 23 to read as follows (Form S–11 does not appear in the Code of Federal Regulations):

§ 239.18 Form S–11, for registration under the Securities Act of 1933 of securities of certain real estate companies.

* * * * *

Item 23. *Certain Relationships and Related Transactions.* Furnish the information required by Item 404 of Regulation S–K (§ 229.404 of this chapter). If the information prescribed by Instruction 5 to Item 404(a) is included and the assets have been acquired by the seller within five years prior to the transaction, disclose the aggregate depreciation claimed by the seller for federal income tax purposes.

* * * * *

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

7. By revising Item 6 of § 240.14a–101 to read as follows:

§ 230.14a–101 Schedule 14A. Information required in proxy statement.

* * * * *

Item 6. *Directors and executive officers.* If action is to be taken with respect to the election of directors, furnish the following information in tabular form to the extent practicable. If, however, the solicitation is made on behalf of persons other than the registrant, the information required need be furnished only as to nominees of the persons making the solicitation.

* * * * *

(b)(1) Furnish the information required by Item 404 (a) and (c) of Regulation S–K (§ 229.404 of this chapter).

(2) With respect to registrants other than investment companies registered under the Investment Company Act of 1940, furnish the information required by Item 404(b) of Regulation S–K (§ 229.404(b) of this chapter).

* * * * *

8. By revising paragraph (b) of Item 4 of § 240.14a–102 to read as follows:

§ 240.14a–102 Schedule 14B. Information to be included in statements filed by or on behalf of a participant (other than the issuer) pursuant to § 240.14a–11(c) (Rule 14a–11(c)).

* * * * *

Item 4. *Further matters.*

* * * * *

(b) Furnish for yourself and your associates the information required by Item 404(a) of Regulation S–K (§ 229.404(a) of this chapter).

* * * * *

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

9. By amending Form 10 in § 249.210 to change the title of Item 6 to Management Remuneration, to renumber Items 7–14 as Items 8–15 and to add a new Item 7 to read as follows (Form 10 does not appear in the Code of Federal Regulations):

§ 249.210 Form 10, general form for registration of securities pursuant to section 12(b) or (g) of the Securities Exchange Act of 1934.

* * * * *

Item 7. *Certain Relationships and Related Transactions.* Furnish the information required by Item 404 of Regulation S–K (§ 229.404 of this chapter).

* * * * *

10. By amending Form 10–K in § 249.310 to revise General Instructions G (3) and (4), I and J(1)(c) and (2)(c), to change the title of Item 11 to Management Remuneration, to renumber Item 13 as Item 14 and to add a new Item 13 as follows (Form 10–K does not appear in the Code of Federal Regulations):

§ 249.310 Form 10–K, annual report pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934.

* * * * *

General Instructions

* * * * *

G. *Information to be Incorporated by Reference.*

* * * * *

(3) The information required by Part III (Items 10, 11, 12 and 13) shall be incorporated by reference from the registrant's definitive proxy statement (filed or to be filed pursuant to Regulation 14A) or definitive information statement (filed or to be filed pursuant to Regulation 14C) which involves the election of directors, if such definitive proxy statement or information statement is filed with the Commission not later than 120 days after the end of the fiscal year covered by the Form 10–K. However, if such definitive proxy or information statement is not filed with the Commission in the 120-day period, the Items comprising the Part III information must be filed as part of the Form 10–K, or as an amendment to the Form 10–K under cover of Form 8, not later than the end of the 120-day period. It should be noted that the information regarding executive officers required by Item 401 of Regulation S–K (§ 229.401 of this chapter) may be included in Part I of Form 10–K under an appropriate caption. See Instruction 4 to Item 401(b) of Regulation S–K (§ 229.401(b) of this chapter).

* * * * *

(4) * * * When the registrant combines all of the information in Parts I and II of this Form (Items 1 through 9) by incorporation by reference from the registrant's annual report to security holders and all of the information in Part III of this Form (Items 10 through 13) by incorporating by reference from a definitive proxy statement or information statement involving the election of directors, then, notwithstanding General Instruction C (1), this Form shall consist of the facing or cover page, those sections incorporated from the annual report to security holders, the proxy or information statement, and the information, if any, required by Part IV of this Form, signatures, and a cross reference sheet setting forth the item numbers and captions in Parts I, II and III of this Form and the page and/or pages in the referenced materials where the corresponding information appears.

* * * * *

I. *Registrants filing on form S–18.* * * * In lieu of complying with the disclosure requirements of Item 1, Business, Item 11, Management Remuneration and Item 13, Certain Relationships and Related Transactions.

* * * * *

J. *Omission of Information by Certain Wholly-Owned Subsidiaries.*

* * * * *

(1) Conditions for availability of the relief specified in paragraph (2) below.

* * * * *

(c) There is prominently set forth, on the cover page of the Form 10–K, a statement that the registrant meets the conditions set forth in General Instruction (J)(1)(a) and (b) of Form 10–K and is therefore filing this Form with the reduced disclosure format.

(2) Registrants meeting the conditions specified in paragraph (1) above are entitled to the following relief:

* * * * *

(c) Such registrants may omit the information called for by the following otherwise required Items: Item 4,

Submission of Matters to a Vote of Security Holders; Item 10, Directors and Executive Officers of the Registrant; Item 11, Management Remuneration; Item 12, Security Ownership of Certain Benefical Owners and Management; and Item 13, Certain Relationships and Related Transactions.

* * * * *

Item 13. *Certain Relationships and Related Transactions.* Furnish the information required by Item 404 of Regulations S–K (§ 229.404 of this chapter).

* * * * *

(Secs. 6, 7, 8, 10, 19(a), 48 Stat. 78, 79, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 301, 54 Stat. 857; sec. 8, 68 Stat. 685; sec. 1, 79 Stat. 1051; sec. 308(a)(2), 90 Stat. 57; secs. 12, 13, 14, 15(d), 23(a), 48 Stat. 892, 895, 901; secs. 1, 3, 8, 49 Stat. 1375, 1377, 1379; sec. 203(a), 49 Stat. 704; sec. 202, 68 Stat. 686; secs. 3, 4, 5, 6, 78 Stat. 565–568, 569, 570–574, secs. 1, 2, 3, 82 Stat. 454, 455; secs. 28(c), 1, 2, 3–5, 84 Stat. 1435, 1497; sec. 105(b), 88 Stat. 1503; secs. 8, 9, 10, 18, 89 Stat. 117, 118, 119, 155; sec. 308(b), 90 Stat. 57; secs. 202, 203, 204, 91 Stat. 1994, 1498, 1499, 1500; 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 78l, 78m, 78n, 78o(d), 78w(a))

By the Commission.

George A. Fitzsimmons,

Secretary.

December 2, 1982.

[FR Doc. 82–33628 Filed 12–10–82 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 15

[Docket No. R–82–1061]

Production or Disclosure of Material or Information

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule.

SUMMARY: HUD's regulations governing production or disclosure of material or information under the Freedom of Information Act (FOIA) currently provide that field counsel, prior to concurring in a denial of a FOIA request, must obtain the approval of the General Counsel. This final rule removes that provision because HUD no longer believes that headquarters approval of every field counsel concurrence is necessary.

EFFECTIVE DATE: Upon expiration of the first period of 30 calendar days of continuous session of Congress after publication, but not before further notice of the effective date is published in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: David White, Assistant General Counsel, Office of General Counsel, Room 10252, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C., 20410. Telephone (202) 755–7137 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: 5 U.S.C. 552, the Freedom of Information Act (FOIA), directs each agency to establish procedures for the disclosure of information to the public. HUD's rules for the disclosure of information within its possession are found at 24 CFR Part 15.

In case of a FOIA request to a field office, 24 CFR 15.52 requires the appropriate official to obtain the concurrence of field counsel before denying the request. Field counsel, in turn, must seek approval of the denial decision from the General Counsel in Washington.

This final rule would make HUD procedures for the handling of FOIA requests more efficient by removing the requirement that field office denials of information requests be approved by the General Counsel in Washington.

The subject matter of this amendment relates to agency procedure and is therefore exempt from the notice and public comment requirements of Section 553 of the Administrative Procedure Act (5 U.S.C. 553). Accordingly, this amendment is being made by means of a final rule, without an opportunity for public comment, to become effective as provided above.

Pursuant to 24 CFR 50.30(c), this rule is exempt from the preparation of an Environmental Assessment because it relates to the Department's internal administrative procedures.

This rule does not constitute a "major rule" as that term is defined in Section (1)(b) of Executive Order 12291 on Federal Regulation, issued by the President on February 17, 1981. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities since its effect is limited to a detail of agency procedure.

This rule was not listed in the Department's Semi-annual Agenda of Regulations published on August 17, 1981 (46 FR 41708), pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

This rule does not affect any program included in the Catalogue of Federal Domestic Assistance Programs.

List of Subjects in 24 CFR Part 15

Classified information, Freedom of information.

PART 15—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

Accordingly, 24 CFR Part 15 is amended by revising § 15.52 to read as follows:

§ 15.52 Authority to deny requests for records.

The officers and their designees described in the preceding § 15.51 may deny a request for a record. Any denial shall be made in writing, contain a simple statement of reasons for the denial, state that a review of the denial by the General Counsel may be requested, set forth the steps for obtaining that review in accordance with § 15.61, and shall be signed by the official responsible for such denial. Prior to a denial the officer or designee shall obtain the concurrence of appropriate field or headquarters counsel in the denial. Denial shall terminate the authority of the particular officer or designee to release or disclose the requested record, which thereafter may not be made available except with the express authorization of the General Counsel.

(5 U.S.C. 552; sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Dated: November 29, 1982.

John J. Knapp,

General Counsel

[FR Doc. 82–33760 Filed 12–10–82; 8:45 am]

BILLING CODE 4210–01–M

Government National Mortgage Association

24 CFR Part 300

[Docket No. R–82–1062]

List of Attorneys-in-Fact

AGENCY: Government National Mortgage Association, Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This amendment updates the current list of attorneys-in-fact by amending paragraph (c) of 24 CFR 300.11. These attorneys-in-fact are authorized to act for the Association by executing documents in its name in conjunction with servicing GNMA's mortgage purchase programs, all as more fully described in paragraph (a) of 24 CFR 300.11.

EFFECTIVE DATE: Upon expiration of the first period of 30 calendar days of continuous session of Congress after publication, but not before further notice of the effective date is published in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Mr. William J. Linane, Office of General Counsel, on (202) 755–7260.

SUPPLEMENTARY INFORMATION: Notice and public procedure on this amendment are unnecessary and impracticable because of the large volume of legal documents that must be executed on behalf of the Association.

List of Subjects in 24 CFR Part 300

Lawyers, Organization and functions (Government agencies).

PART 300—[AMENDED]

§ 300.11 [Amended]

1. Paragraph (c) of Section 300.11 is amended by adding the following names to the current list of attorneys-in-fact:

Name	*Region*
Leo E. Abueg	Los Angeles, CA
James H. Benson	Los Angeles, CA
Rena L. Busby	Los Angeles, CA
Elizabeth A. Downing	Los Angeles, CA
JoAnne Holbert	Los Angeles, CA
P. Jack Maniscalso	Dallas, TX
Mary E. Voight	Los Angeles, CA

2. Paragraph (c) of Section 300.11 is amended by deleting the following names from the current list of attorneys-in-fact:

Name	*Region*
Clark Lauderdale	Dallas, TX
Victoria Leyendecker	Dallas, TX

(Section 309(d) of the National Housing Act, 12 U.S.C. 1723a(d), and Section 7(d) of the Department of Housing and Urban Develoment Act, 42 U.S.C. 3535(d))

Dated: December 1, 1982.

Warren A. Lasko,

Executive Vice President, Government National Mortgage Association.

[FR Doc. 82–33759 Filed 12–10–82; 8:45 am]

BILLING CODE 4210–01–M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 2610 and 2622

Payment of Premiums and Employer Liability for Single Employer Plan Terminations; Rules Pertaining to Withdrawals From and Terminations of Plans to Which More Than One Employer Contributes Other Than Multiemployer Plans

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This amendment notifies the public of a change in the interest charges that are imposed on late premium payments and unpaid employer liability. The change in the interest charges is provided for and required by the Tax Equity and Fiscal Responsibility Act of 1982.

EFFECTIVE DATE: January 1, 1983.

FOR FURTHER INFORMATION CONTACT: Renae R. Hubbard, Special Counsel, Office of the General Counsel, Code 210, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006, (202) 254–4895. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Title IV of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001 *et seq.*, as amended (the "Act"), provides for a comprehensive pension plan insurance program administered by the Pension Benefit Guaranty Corporation ("PBGC"). Under the statutory scheme, covered plans pay annual premiums which are used to help finance the program by funding benefits guaranteed by the PBGC. The premiums—currently $2.60 per participant for single-employer plans and $1.40 per participant for multiemployer plans—are kept in two separate funds.

Upon termination of a single-employer plan, if the assets of the plan plus amounts collectible as employer liability under section 4062 of the Act are insufficient to fund benefits guaranteed under sections 4022 and 4022B of the Act, the PBGC uses premiums in the single-employer fund to provide for those benefits. Employer liability is the amount by which the value of the terminated plan's guaranteed benefits exceeds plan assets at the date of plan termination, but not more than 30% of the employer's net worth. Premiums in the multiemployer fund are, similarly, used to provide for the payment of benefits guaranteed under sections 4022A and 4022B of the Act, should a multiemployer plan terminate with assets insufficient to fund those guaranteed benefits. The employer liability provisions in section 4062 do not apply to multiemployer plans.

Section 2610.3(a)(4) of 29 CFR provides that premiums for both single-employer plans and multiemployer plans are, in general, due on the last day of seventh month following the close of the prior plan year. Section 2622.7 of 29 CFR provides that the liability imposed by section 4062 on an employer who terminates a single-employer plan is due on the date of plan termination.

Under section 4007 of the Act and 29 CFR Parts 2610 and 2622 (Parts 2602 and 2613 prior to recodification on June 29, 1981), the PBGC charges interest on late premium payments and delinquent employer liability payments at the rate established under sections 6601(a) and 6621 of the Internal Revenue Code ("Code"). Section 6601(a) provides for interest at an annual rate established under section 6621. Section 6621 sets forth the method of computing the interest rate and the time period for which the established rate applies.

The Tax Equity and Fiscal Responsibility Act of 1982, 96 Stat. 324, Pub. L. 97–248 ("TEFRA") revised the method of calculating the late payment interest charge and the time period for which the new rate applies. TEFRA also amended section 6601 to delete section 6601(e)(2) and added a new section 6622 to provide for the daily compounding of interest accruing after December 31, 1982. Section 6622 provides, in pertinent part:

> (a) General Rule.—In computing the amount of any interest required to be paid under this title or sections 1961(c)(1) or 2411 of title 28, United States Code, by the Secretary or by the taxpayer, or *any other amount determined by reference to such amount of interest,* such interest and such amount shall be compounded daily. [Emphasis added.]

In compliance with TEFRA, the Internal Revenue Service, on October 15, 1982 (IR–82–117), announced a new annual interest rate of 16% to be effective January 1, 1983, noting that interest accruing after December 31, 1982 will be compounded daily.

Accordingly, § 2610.7 of PBGC's premium regulation, which cross-references Code section 2601(a), is being amended to provide for daily compounding of interest. In addition, this amendment revises Appendix A of 29 CFR Part 2610 to reflect the lower interest rate charge on overdue premiums of 16% that will be effective from January 1, 1983 through June 30, 1983.

This amendment also revises § 2622.7 of PBGC's employer liability regulation

to more accurately cross-reference Code section 6601(a) rather than section 6621, and to provide for daily compounding of interest on late employer liability payments and PBGC refunds of overpayments. The present regulation makes a distinction in the interest compounding requirements for negotiated payment terms. In light of TEFRA, that distinction is no longer appropriate and 29 CFR 2622.7 and 8 are revised accordingly.

Because this amendment simply announces statutorily imposed changes in the interest charges, general notice of proposed rulemaking is not required. See 5 U.S.C. 553(b). Moreover, the PBGC has determined that it would be impractical and contrary to the public interest to delay the effective date of the regulation because the interest rate charge is effective by law on January 1, 1983. Accordingly, the PBGC finds that good cause exists for issuing this regulation in final form without notice and opportunity for public comment and for making it effective before the 30 day period set forth in 5 U.S.C. 553.

The PBGC has also determined that this rule is not a "major rule" within the meaning of Executive Order 12291, February 17, 1981 (46 FR 13193), because it will not have an annual effect on the economy of $100 million or more; nor will it create a major increase in costs or prices for consumers, individual industries, or geographic regions; nor will it have significant adverse effects on competition, employment, investment, innovation or on the ability of United States-based enterprises to compete with foreign-bases enterprises in domestic or export markets.

Because no general notice of proposed rulemaking is required for this regulation, the Regulatory Flexibility Act of 1980 does not apply (5 U.S.C. 601(2)).

List of Subjects

29 CFR Part 2610

Employee benefit plans, Penalties, Pension insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 2622

Business and industry, Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements, Small businesses.

In consideration of the foregoing, Parts 2610 and 2622 of Chapter XXVI of Title 29, Code of Federal Regulations, are hereby amended as follows:

PART 2610—[AMENDED]

1. The authority citation for Part 2610 is revised to read as follows:

Authority: Secs. 4002(b)(3), 4006, and 4007, Pub. L. 93–406, 88 Stat. 829, 1004, 1010, and 1013, as amended by Secs. 403(1), 105, 402(a)(3), and 403(b), Pub. L. 96–364, 94 Stat. 1208, 1302, 1264, 1298, and 1300 (29 U.S.C. 1302(b)(3), 1306, and 1307).

2. In § 2610.7, paragraph (a) is revised to read as follows:

§ 2610.7 Late payment interest charges.

(a) If any premium payment due under this part is not paid by the last date prescribed for payment in § 2610.3, an interest charge will accure on the unpaid amount at the rate imposed under section 6601(a) of the Internal Revenue Code of 1954, as amended, for the period from the date payment is due to the date payment is made, compounded daily.

* * * * *

3. Appendix A to Part 2610 is revised to read as follows:

Appendix A—Late Payment Interest Charges

The following table lists the late payment interest charges under § 2610.7(a) for the specified time periods:

Time period	Interest rate (percent)
Sept. 2, 1974 to June 30, 1975	6
July 1, 1975 to Jan. 31, 1976	9
Feb. 1, 1976 to Jan. 31, 1978	7
Feb. 1, 1978 to Jan. 31, 1980	6
Feb. 1, 1980 to Jan. 31, 1982	12
Feb. 1, 1982 to Dec. 31, 1982	20
Jan. 1, 1983 to June 30, 1983	16

PART 2622—[AMENDED]

4. The Authority citation for Part 2622 is revised to read as follows:

Authority: Secs. 4002(b)(3), 4062, 4063, 4064, 4067, and 4068, Pub. L. 93–406, 88 Stat. 829, 1004, 1029, 1030, 1031, 1032, as amended by Secs. 403(1), 403(g), 403(h), and 403(i), Pub. L. 96–364, 94 Stat. 1208, 1302, and 1301 (29 U.S.C. 1302 (b) (3), 1362, 1363, 1364, 1367, and 1368).

5. Section 2622.7 is revised to read as follows:

§ 2622.7 Interest on employer liability and refunds of overpayments.

(a) *Interest on employer liability.* If an employer fails to pay the employer's full liability under this part on or before the date of plan termination, and whether or not the PBGC has granted the employer deferred payment terms pursuant to § 2622.8, interest on the unpaid portion of the liability will accure at the rate set forth in paragraph (c) of this section from the date of plan termination until the liability is paid in full. Interest will be compounded as provided in paragraph (d) of this section. When the employer pays its liability in more than one payment PBGC will apply each payment to the satisfaction of accrued interest and then to the reduction of principal.

(b) *Refunds of employer liability.* If an employer pays the PBGC an amount that exceeds the employer's full liability under this part (including any interest owed pursuant to paragraph (a) of this section), the PBGC shall refund the excess amount of the employer liability, with interest on that amount at the rate set forth in paragraph (c) of this section. Interest on the overpayment will accrue from the later of the date of the overpayment or 10 days prior to the date of plan termination until the date of the refund and will be compounded daily.

(c) *Interest rate.* The interest rate on employer liability and refunds of employer liability is the annual rate prescribed in section 6601(a) of the Internal Revenue Code of 1954 as amended, and will change whenever the interest rate under section 6601(a) of the Code changes.

(d) *Compounding of interest.* Beginning January 1, 1983, interest on unpaid employer liability will be compounded daily. On or before December 31, 1982, interest on unpaid employer liability will be compounded annually except as provided in § 2622.8, relating to deferred payment terms for payment of employer liability.

6. In § 2622.8, paragraph (d) is revised to read as follows:

§ 2622.8 Deferred payment of employer liability.

* * * * *

(d) *Compounding of interest.* Except as otherwise provided in this subsection, interest on unpaid employer liability will be compounded in accordance with § 2622.7(d). Interest on unpaid employer liability for which deferred payment terms are granted on or before December 31, 1982 will be compounded annually until the date of the deferred payment agreement and thereafter compounded periodically with the frequency of the payments required under the agreement.

* * * * *

Effective date: This regulation is effective on January 1, 1983.

Edwin M. Jones,

Executive Director, Pension Benefit Guaranty Corporation.

December 6, 1982.

[FR Doc. 82–33788 Filed 12–10–82; 8:45 am]

BILLING CODE 7708–01–M

29 CFR Part 2621

Limitation on Guaranteed Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This amendment to the Limitation on Guaranteed Benefits regulation contains the maximum guaranteeable pension benefit that may be paid by the Pension Benefit Guaranty Corporation under Title IV of the Employee Retirement Income Security Act of 1974, as amended, ("ERISA") to a plan participant in a covered single-employer pension plan that terminates in 1983. Section 4022(b)(3)(B) of ERISA provides that the maximum benefit guaranteeable by PBGC is based on the contribution and benefit base determined under section 230 of the Social Security Act. This amendment updates the regulation to include the dollar amount of the maximum guaranteeable benefit for 1983.

EFFECTIVE DATE: January 1, 1983.

FOR FURTHER INFORMATION CONTACT: Renae R. Hubbard, Special Counsel, Office of the General Counsel, Code 210, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006, 202–254–4895. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On February 11, 1976, the Pension Benefit Guaranty Corporation ("PBGC") published a final rule entitled Limitation on Guaranteed Benefits (29 CFR Part 2609, recodified as 29 CFR Part 2621 on June 29, 1981). That rule sets forth the method of calculating the maximum guaranteeable benefit under section 4022(b)(3)(B) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001 *et seq.* (1976), *as amended by* the Multiemployer Pension Plan Amendments Act of 1980, Pub. L. 96–364, 94 Stat. 1208 ("ERISA"). Under 29 CFR 2621.3(a)(2), which sets forth the section 4022(b)(3)(B) rule, the maximum benefit is "$750 multiplied by the fraction x/$13,200 where 'x' is the Social Security contribution and benefit base determined under section 230 of the Social Security Act in effect at the date of termination of the plan."

In the Social Security Amendments of 1977, special increases were added to the contribution and benefit base. However, the amended Social Security Act specifically states that, for the purpose of section 4022(b)(3)(B) of ERISA, the contribution and benefit base for each year after 1976 will be the base that would have been determined for each year if the law in effect immediately before the amendment had remained in effect without change. 42 U.S.C. 430(d) (1976 Ed., Supp. III).

On January 23, 1981, the PBGC published a final rule (46 FR 7323) which added an appendix to the Limitation on Guaranteed Benefits regulation. The appendix lists the maximum guaranteeable benefit payable by the PBGC to participants in single-employer plans that have terminated each year since ERISA went into effect. This amendment updates the appendix for plans that terminate in 1983.

The PBGC has been notified by the Social Security Administration that the contribution and benefit base for 1983 which is to be used to calculate the PBGC maximum guaranteeable benefit is $26,700. Accordingly, applying the formula under section 4022(b)(3)(B) of ERISA, the PBGC has determined that the maximum benefit guaranteeable by PBGC in 1983 will be $1,517.05 per month in the form of a life annuity commencing at age 65 or the actuarial equivalent of $1,517.05 payable in a different form or commencing at a different age.

Because the maximum guaranteeable benefit is determined according to the formula in section 4022(b)(3)(B) of ERISA, and this amendment makes no change in its method of calculation but simply lists the 1983 maximum guaranteeable benefit amount for the public's knowledge, general notice of proposed rulemaking is not required. Moreover, because the 1983 maximum guaranteeable benefit is effective, under the statute, at the time that the Social Security contribution and benefit base is effective, *i.e.*, January 1, 1983, and is not dependent on the issuance of this regulation, the PBGC finds that good cause exists for making this amendment effective before the 30 day period set forth in 5 U.S.C. 553.

The PBGC has determined that this amendment to the Limitation on Guaranteed Benefits regulation is not a "major rule" under the criteria set forth in Executive Order 12291, February 17, 1981 (46 FR 13193) because it will not result in an annual effect on the economy of $100 million or more, a major increase in costs for consumers or individual industries, or significant adverse effects on competition, employment, investment, productivity, or innovation.

Because no general notice or proposed rulemaking is required for this regulation, the Regulatory Flexibility Act of 1980 does not apply (5 U.S.C. 601(2)).

List of Subjects in 29 CFR Part 2621

Employee benefit plans, Pension insurance, Pensions.

In consideration of the foregoing, Part 2621 of Chapter XXVI, Code of Federal Regulations, is hereby amended to read as follows:

1. The authority citation for Part 2621 is revised to read as follows:

Authority: Secs. 4002(b)(3)(B), 4022(b), and 4022(B), Pub. L. 93–406, 88 Stat. 829, 1004, and 1016, as amended by Secs. 403(1), 403(c), and 102, Pub. L. 96–364, 94 Stat. 1208, 1302, 1300, and 1215 (29 U.S.C. 1302, 1322, and 1322B).

2. Appendix A to Part 2621 is amended to read as follows:

Appendix A to Part 2621—Maximum Guaranteeable Monthly Benefit

The following table lists by year the maximum guaranteeable monthly benefit payable in the form of a life annuity commencing at age 65 as described by § 2621.3(a)(2) to a participant in a plan that terminated in that year:

Year	Maximum guaranteeable monthly benefit
* * * * *	
1982	$1,517.05

Effective date: This regulation is effective January 1, 1983.

Dated: December 6, 1982.

Edwin M. Jones

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 82–33789 Filed 12–10–82; 8:45 am]

BILLING CODE 7708–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 944

Removal of Conditions of Approval of Utah Permanent Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: This document amends 30 CFR Part 944 to remove four of the Secretary's conditions of approval of the Utah permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Utah submitted to OSM provisions satisfying four of the conditions on August 26, 1982. Approval of these provisions as program amendments will be reflected in 30 CFR Part 944.

EFFECTIVE DATE: December 13, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur W. Abbs, Chief, Division of State Program Assistance, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, D.C. 20240, Telephone: (202) 343–5351.

SUPPLEMENTARY INFORMATION: On March 3, 1980, the State of Utah submitted to the Department of the Interior its proposed permanent regulatory program under SMCRA.

On October 3, 1980, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved in part and disapproved in part the proposed program. Notice of that decision and the Secretary's findings were published in the **Federal Register** on October 24, 1980 (45 FR 70481–70510). The State of Utah resubmitted the program for approval by the Secretary on December 23, 1980. The resubmitted program included those portions of the initial submission not approved by the Secretary on October 3, 1980. After thoroughly reviewing the program resubmission and providing an opportunity for the public to comment, the Secretary of the Interior determined that the Utah program, including the resubmission did, with minor exceptions, meet the Federal permanent program regulations. Accordingly, the Secretary of the Interior conditionally approved the Utah program subject to the correction of 12 minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the January 21, 1981 **Federal Register** (46 FR 5899–5915).

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Utah program can be found in the January 21, 1981 **Federal Register** (46 FR 5899–5915).

In accepting the Secretary's conditional approval, Utah agreed to satisfy conditions "a"–"e" by December 1, 1981, and conditions "f"–"l" by July 1, 1981.

Subsequently, Utah requested an extension of the deadline to meet conditions "f", "g", and "h" until January 1, 1982. On October 30, 1981 (46 FR 54070), OSM announced the Secretary's decision to approve the extension.

Upon the State's request, the deadline for the State to meet condition "f" was further extended to September 1, 1982, and the deadline for the State to meet condition "h" to January 1, 1983 (47 FR 23135–23414, May 27, 1982).

On June 29, 1981, Utah submitted statutory and regulatory revisions intended to satisfy conditions "a"–"e", "g" and "i"–"l".

On June 22, 1982 (47 FR 26827–26831), the Assistant Secretary for Energy and Minerals announced his decision to remove conditions "a"–"e", "j" and "l" and to grant Utah until September 1, 1982, to submit modifications to satisfy conditions "g", "i", and "k". In the June 22, 1982 notice, the Assistant Secretary also announced his decision to impose a new condition "m" requiring the State to correct by January 1, 1983, a deficiency in the State program which had come to OSM's attention.

On August 26, 1982, Utah adopted and submitted to OSM regulatory modifications intended to satisfy conditions "f", "g", "i" and "k". With regard to conditions "g", "i", and "k", Utah previously submitted on June 29, 1981, amendments to address those conditions. Because the Secretary determined that the provisions submitted by Utah on June 29, 1981, did not fully satisfy the conditions of approval, the State was granted an extension until September 1, 1982, to submit additional modifications to meet those conditions. On September 21, 1982, OSM scheduled a hearing and comment period on the program modifications submitted by Utah on August 26, 1982. The comment period ended October 15, 1982. The hearing scheduled to be held October 8, 1982, was cancelled because no one expressed interest in presenting testimony.

Following are the Secretary's findings on the program modifications submitted by the State on August 26, 1982.

1. Condition "f" of the Secretary's approval of Utah's program stipulates that Utah must submit to the Secretary by September 1, 1982, copies of fully enacted regulations adopting standards for the reduction of highwalls in UMC 817.101(b)(1) to be consistent with 30 CFR 817.101 and section 510 of SMCRA, or otherwise amend its program to accomplish the same result. The Secretary has determined that with the adoption of Utah's amended regulation UMC 817.101(b)(8), which sets forth three additional criteria that must be met before the Division may allow the retention of highwalls, Utah's program is consistent with section 510 of SMCRA and no less effective than 30 CFR 817.101. Thus, the Secretary finds the State has satisfied condition "f".

Condition "g" of the Secretary's conditional Utah program approval states that Utah must submit by September 1, 1982, copies of fully enacted regulations adopting a sediment pond exemption provision in UMC 817.42(a)(3) consistent with 30 CFR 817.42(a)(ii)(A).

In response to this condition, the State previously submitted on June 29, 1981, the following amended version of UMC 817.42(a)(3)(i) and 817.42(a)(3)(ii):

817.42(a)(3)(i): The person who conducts the underground coal mining activities demonstrates, by the use of alternative sediment control measures, that the drainage will:

(A) Either meet all applicable State and Federal effluent limitation standards, or

(B) Not degrade the quality of receiving waters.

817.42(a)(3)(ii):

(A) There shall be no mixture of undisturbed drainage with a discharge from the underground workings.

(B) Any mixing of disturbed area drainage with a discharge from underground mine workings shall:

(1) Be passed through treatment facilities, as necessary, and

(2) Meet all applicable State and Federal effluent limitation standards, where it leaves the permit area.

After reviewing this provision, the Director determined that it was inconsistent with the Federal standard in two respects (see 47 FR 26827–26831, June 22, 1982).

The above version of UMC 817.42(a)(3)(i) specified that the regulatory authority may authorize an exemption from the sedimentation pond requirement if the underground mine operator demonstrates that the drainage *either* meets applicable effluent limitation standards *or* does not degrade the quality of receiving waters. The Secretary determined that the State's provision was inconsistent with OSM's regulation at 30 CFR 817.42(a)(3)(i) which requires that the operator demonstrate that the drainage meets both the effluent limitation standards and the water quality standards for receiving streams.

In addition, the previously submitted version of UMC 817.42(a)(3)(i)(B) provided that the person who conducts underground coal mining activities shall demonstrate that the drainage will not degrade the quality of receiving waters. However, the State regulation did not specify what standards were to be used in determining whether the quality of receiving waters had been degraded. The Secretary determined that Utah's regulation must specify that the State will rely on applicable State and Federal water quality standards to determine

whether the quality of receiving waters had been degraded.

Because Utah submitted material to satisfy this condition which the State, in good faith believed to be adequate, the Secretary decided to extend the deadline for Utah to satisfy condition "g" until September 1, 1982, in order to allow the State time to submit further modifications to address the deficiencies noted above.

The amendment submitted by Utah on August 26, 1982, revises UMC 817.42(a)(3) to provide (1) that the sedimentation pond exemption may be granted only for small areas, and (2) the UMC 817.42(a)(3)(i) be revised to read as follows: "The person who conducts the underground coal mining activities demonstrates, by the use of alternative sediment control measures, that the drainage will meet all applicable State and Federal effluent limitation standards." The Secretary has determined that UMC 817.42(a)(3), as amended, when read in conjunction with UMC 817.41(c) is no less effective than 30 CFR 817.42 in insuring protection of water quality. Paragraph (c) of UMC 817.41, Hydrologic balance: General requirements, stipulates that "In no case shall State and Federal water quality statutes, regulations, standards or effluent limitations be violated". Consequently, as the Secretary interprets Utah's program provisions, the sedimentation pond exemption may not be granted unless the person who conducts the underground coal mining activities meets State and Federal effluent limitations *and* State and Federal regulations governing water quality standards for receiving streams. Therefore, the Secretary finds the State has satisfied condition "g".

Condition "i" of the Secretary's conditional Utah program approval states that Utah must submit by September 1, 1982, copies of fully enacted regulations adopting well transfer liability provisions in UMC 817.53(c) consistent with 30 CFR 817.53(c).

In response to this condition, the State previously submitted on June 29, 1981, the following amended sections UMC 817.53(c) and SMC 816.53(c): (c) Upon an approved transfer of a well, the transferor shall be secondarily responsible to the regulatory authority for the transferee's obligations under subparagraphs (b)(2) and (b)(3) of this section until final release of the bond or other equivalent guaranty required by Subchapter J for the area in which the well is located. Any legal liability of the transferor for damage to persons or property from the well shall be determined in accordance with applicable law."

The Secretary found that the amended rules previously submitted by Utah were less effective than the corresponding Federal regulations (47 FR 26827–26831, June 22, 1982). Under 30 CFR 816.53(c), the transferor shall be secondarily liable for damages to "persons or property from the well" until release of the bond. Utah's rules differed from their Federal counterparts in that the transferor was not secondarily liable for damage to persons or property but rather "secondarily responsible" to the regulatory authority for meeting the requirements of the State program regulations. Under Utah's previously submitted regulations, the legal liability of the transferor for damage to persons or property from the well would have been determined in accordance with applicable law. The Secretary determined that the State's provision was, therefore, not as effective as the Federal regulations because the transferor was not held secondarily liable in all cases for damages to persons or property.

Because Utah submitted material to satisfy this condition which the State, in good faith, believed to be adequate, the Secretary decided to extend the deadline for Utah to satisfy this condition to September 1, 1982.

On August 26, 1982, Utah submitted for OSM's approval an amendment to UMC 817.53(c) and SMC 816.53(c) which deletes in each, the words "responsible to the regulatory authority" and inserts "secondarily liable" in their place. The Secretary has determined that Utah's provisions, as amended, assure that the transferor of a well is secondarily legally liable for damage to persons or property in a manner consistent with 30 CFR 816.53(c) in meeting the purposes of the Act. The Secretary also has determined that UMC 817.53(c) and SMC 816.53(c) provide for the issue of damages, not liability, to be determined in accordance with applicable law. Based on these determinations, the State has satisfied condition "i".

Condition "k" of the Secretary's conditional Utah program approval states that Utah must submit by September 1, 1982, copies of fully enacted regulations prohibiting the placement of certain materials on the downslope in steep slope areas in UMC 817.101(c) consistent with 30 CFR 826.12(a).

In response to this condition, the State previously submitted the following amended section UMC 817.101(c):

(c) The following materials shall be prevented from being placed on the downslope of a steep slope as defined in UMC 700.5, except that nothing in this section shall prohibit the placement of material in road and portal pad embankments located on the downslope, so long as the material used and the embankment design comply with the applicable requirements of UMC 817.150–817.180 and the material is moved and placed in a controlled manner:

(1) Spoil;

(2) Waste materials, including waste mineral matter;

(3) Debris, including that from clearing and grubbing of land road construction or portal pad construction, and;

(4) Abandoned or disabled equipment.

Nothing in this subsection (c) prohibits placement of the following materials on steep slopes in accordance with provisions of other performance standards.

The Secretary determined that this provision previously submitted by Utah was consistent with 30 CFR 826.12(a) with one exception. The last sentence in the State's rule appeared to create ambiguity with respect to when an exemption to the requirements of UMC 817.101 could be granted. To eliminate any ambiguity with regard to the State's provision, OSM asked Utah to submit a clarifying statement regarding the last sentence of UMC 817.101(c) explaining what "materials" could be placed on steep slopes under which "provisions of other performance standards". The Secretary extended the deadline for Utah to meet condition "k" until September 1, 1982, to allow the State time to submit the clarifying statement.

On August 26, 1982, Utah submitted to OSM an amendment to UMC 817.101(c) revising the last sentence of that section to read: "Nothing in this subsection (c) prohibits placement of durable rock in an engineered fill in accordance with 817.71(e)(2)." The Secretary had determined that this provision is consistent with 30 CFR 826.12(d) and 30 CFR 817.74. Thus, the Secretary finds the State's regulation, as amended, is no less effective than 30 CFR 826.12(a) in meeting the purposes of the Act. Hence, the Secretary finds that Utah has satisfied condition "k".

Public Comment

The Minerals Management Service (MMS) commented that it had determined the proposed changes to the Utah program would not adversely affect the recovery of coal under the requirements of the Mineral Act of 1970 and its amendments.

The Bureau of Mines noted that the amendments to the Utah program would

not have any negative effects on effective mineral production, and, therefore, the Agency had no objections to them.

The Fish and Wildlife Service (FWS) commented that the amendments to the Utah program would not result in a significant impact on fisheries and wildlife. However, the Agency did express the following general concerns:

A. Condition "g": Some deterioration of water quality appears to be possible, even under the amended language, should the situation arise where the receiving watershed has higher quality water than the discharge permitted under State and Federal effluent limitation.

B. Condition "k": Road construction may result in unnecessary downslope vegetative damage if used to dispose of rock. Additionally, it is recognized that rock disposal can be engineered to be stable, but steep slopes may hinder animal movements and it may be difficult to revegetate.

C. Condition "f": Retention of highwalls under the conditions specified provide wildlife a habitat that is abundant already and results in a net loss of the vegetal component of the habitat. We must be cautious not to encourage practices that make it difficult to reclaim to premining conditions.

FWS' first comment addresses Utah's amended regulation UMC 817.42(a)(3) which provides an exemption from the sedimentation pond requirement. The Secretary believes that, because Utah's sedimentation pond exemption may be granted only for small areas and only if the drainage will meet all applicable State and Federal effluent limitation standards and water quality standards there is very little likelihood that the receiving watershed would be degraded by the drainage from an exempted area.

Concerning the commenter's second point, the Secretary has determined that Utah's provisions which allow for the placement of material in road embankments on the downslope and for the placement of durable rock in an engineered fill are consistent with the Federal provisions at 30 CFR 826.12(a)(2) and 817.74.

The commenter's third point concerns Utah's alternative provision which allows the reduction rather than the elimination of the highwall on steep slope terrain under certain circumstances. The Secretary has determined that with the adoption of additional criteria to be used by the Division in applying the alternative the State program provides adequate guarantees that the exception to highwall elimination will be carefully limited and environmental impacts carefully considered.

Removal of Conditions

Accordingly, the Utah permanent program is hereby amended to indicate approval of the August 26, 1982, amendments which satisfy conditions "f", "g", "i", and "k". The removal of these conditions of approval of the Utah permanent program is effective upon publication of this notice.

Additional Findings

Pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this approval. On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 6, and 8 of Executive Order 12291 for all actions taken to approve or conditionally approve State regulatory programs, actions, or amendments. Therefore, with regard to these program amendments OSM is exempt from the requirements for a Regulatory Impact Analysis and regulatory review by OMB.

Pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), this rule is not a major Federal action. It is hereby designated as a categorical exclusion from the NEPA process. Therefore, for this rule OSM is exempt from the requirements of an Environmental Assessment, EIS or FONSI.

Pursuant to the Regulatory Flexibility Act, Pub. L. 96-354, I certify that this rule will not have a significant economic impact on a substantial number of small entities.

On November 8, 1982, the Environmental Protection Agency transmitted its written concurrence on the Utah program amendments.

List of Subjects in 30 CFR Part 944

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Accordingly Part 944 of Title 30 is amended as set forth herein.

Dated: December 3, 1982.

Daniel N. Miller, Jr.,

Assistant Secretary for Energy and Minerals.

PART 944—UTAH

§ 944.11 [Amended]

1. 30 CFR 944.11 is amended by removing the material and reserving paragraphs (f), (g), (i) and (k).

2. 30 CFR Part 944.15 is amended by adding a new paragraph (c) to read as follows:

§ 944.15 Approval of amendments to State regulatory program.

* * * * *

(c) The following amendments are approved effective December 13, 1982:

(1) UMC 817.42(a)(3)(i) and UMC 817.42(a)(3)(ii) adopted June 29, 1981, as amended August 26, 1982.

(2) UMC 817.53(c) and SMC 816.53(c) adopted June 29, 1981, as amended August 26, 1982.

(3) UMC 817.101(c) adopted June 29, 1981, as amended August 26, 1982.

(4) UMC 817.101(b)(8) adopted August 26, 1982.

[FR Doc. 82-33861 Filed 12-10-82; 8:45 am]

BILLING CODE 4310-05-M

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30 CFR Part 946

Approval of Permanent Program Amendments From the State of Virginia Under Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: This document amends 30 CFR 946 by removing 16 of the conditions of approval of the Virginia permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Virginia has submitted provisions to OSM which satisfy 16 of the conditions of the Secretary's approval of December 15, 1981 (46 FR 61088-61115). The document also amends 30 CFR Part 946 by the inclusion of amended Virginia permanent program regulations which were submitted as program amendments to the Virginia program under the provisions of 30 CFR 732.17.

After providing opportunity for public comment and conducting a thorough review of the program amendments, the Secretary of the Interior has determined that the modifications to the Virginia program satisfy conditions (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (l), (m), (n), (o), (p), and (s) of the Secretary's approval and that the additional modifications meet the requirements of SMCRA and the Federal permanent program regulations. Accordingly, the Secretary of the Interior has removed 16 conditions from his approval of the Virginia program and approved the additional modifications.

Part 946 of 30 CFR Chapter VII is being amended to implement this decision.

EFFECTIVE DATE: This approval is effective December 13, 1983.

FOR FURTHER INFORMATION CONTACT: Arthur W. Abbs, Chief, Division of State Program Assistance, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, South Building, 1951 Constitution Avenue NW., Washington, D.C. 20240, Telephone: (202) 343–5351.

SUPPLEMENTARY INFORMATION: On March 3, 1980, the Secretary of the Interior received a proposed regulatory program from the Commonwealth of Virginia. On October 22, 1980, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved in part and disapproved in part the proposed program (45 FR 69977–7000). Virginia resubmitted its proposed regulatory program on August 13, 1981, and after a subsequent review, the Secretary approved the program subject to the correction of 19 minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the December 15, 1981 **Federal Register** (46 FR 61088–61115).

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Virginia program can be found in the December 15, 1981 **Federal Register** (46 FR 61088–61115).

Sixteen of the minor conditions of the approval imposed by the Secretary were as follows:

Condition (a) requires Virginia to submit a copy of enacted regulations or otherwise amend its program to revise the term "best technology reasonably available" to read "best technology currently available" consistent with Section 515(b)(10)(B)(i) of SMCRA and 30 CFR 701.5.

Condition (b) requires Virginia to submit a copy of enacted regulations or otherwise amend its program to delete the regulations concerning the zone-fill concept. Furthermore, pending completion of the above, Virginia may not use its authority to approve such fills.

Condition (c) requires Virginia to submit a copy of enacted regulations or otherwise amend its program to require that where roads or ditches are left at the top of the backfill area, the highwall will be shaved and blended into the surrounding natural terrain.

Condition (d) requires Virginia to submit a copy of enacted regulations or otherwise amend its program to prohibit the construction of diversion ditches on areas with landslide potential as required in 30 CFR 816.43(d) and 30 CFR 817.43(d).

Condition (e) requires Virginia to submit a copy of enacted regulations or otherwise amend its program to clarify that discharges in excess of standards allowed under Environmental Protection Agency regulations for coal mining point source will not be allowed. Furthermore, pending completion of the above, Virginia may not use its authority to grant exemptions from effluent limitations.

Condition (f) requires Virginia to submit a copy of enacted regulations or otherwise amend its program to provide for a scale distance factor of 60 as it relates to the maximum pounds of explosives to be used per delay, as required in 30 CFR 816.65(k).

Condition (g) requires Virginia to submit a copy of enacted regulations or otherwise amend its program to allow only five pounds or less of explosive to be detonated without publishing notice of the operator's blasting schedule as required in 30 CFR 816.64(a)(1).

Condition (h) requires Virginia to submit a copy of enacted regulations or otherwise amend its program to require maximum ground vibrations from an explosive detonation to be 1.0 inch per second as required in 30 CFR 816.65(i).

Condition (i) requires Virginia to submit a copy of enacted regulations or other program amendments deleting provisions allowing for disposal of excess spoil on unpermitted areas such as lawns, fields of commercial development sites at the request and approval of the landowner.

Condition (j) requires Virginia to submit a copy of enacted regulations or otherwise amend its program to delete the language in its Coal Surface Mining Technical Handbook, Standards and Specifications for Diversion Ditches, Abandonment Procedures Items 1 and 4 regarding the elimination of temporary diversions to make the State program consistent with 30 CFR 816.43(e), 30 CFR 816.44 (c) and (d), 30 CFR 817.43(e), and 30 CFR 817.44 (c) and (d).

Condition (l) requires Virginia to submit a copy of enacted regulations or otherwise amend its program to provide acceptable criteria for extending the abatement period of violations beyond 90 days in accordance with 30 CFR 843.12(f).

Condition (m) requires Virginia to submit a copy of enacted regulations or otherwise amend its program to require an authorized representative of the Director to conduct an investigation prior to terminating a violation consistent with Section 521(a)(5) of SMCRA and 30 CFR 843.12(e).

Condition (n) requires Virginia to submit a copy of enacted regulations or otherwise amend its program to provide for those situations where the Director shall determine that a pattern of violations exists in a manner consistent with 30 CFR 843.13(a) (3) and (4).

Condition (o) requires Virginia to submit provisions which amend its program by deleting the program narrative rationale of "significant legal and financial commitments" (SLFC) which provides that mere ownership of mineral rights or the right to mine constitutes a significant legal and financial commitment and provide affirmative assurance that SLFC will be interpreted in accordance with Federal law. If this is accomplished by a policy statement, it must be accompanied by a legal opinion which states that it is enforceable under existing State law and regulations.

Condition (p) requires Virginia to submit a copy of enacted regulations or otherwise amend its program to delete the language requiring a citizen accompanying an inspector to sign a waiver providing that the citizen does so at his or her own risk, and providing that neither the regulatory authority, nor its personnel, nor the operator, nor its personnel shall be liable for any injury or damage sustained by a citizen.

Condition (s) requires Virginia to submit a copy of enacted regulations or otherwise amend its program to define the term "affected area" consistent with 30 CFR 701.5.

On August 13, 1982, Virginia submitted promulgated revisions to the Virginia Coal Surface Mining Reclamation Regulations to satisfy conditions (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (l), (m), (n), (o), (p), and (s) set by the Secretary in his conditional approval (Administrative Record No. VA 411). Also, in the August 13, 1982 letter, Virginia submitted proposed revisions to the Virginia Coal Surface Mining Control and Reclamation Act and its regulations which are non-substantive corrections.

OSM published a notice in the **Federal Register** on August 30, 1982, announcing receipt of the amendment and inviting public comment on whether the proposed program amendments corrected the deficiencies (47 FR 38150–38152). The public comment period ended September 29, 1982. A public hearing scheduled for September 21, 1982, was not held because no one expressed a desire to present testimony. On September 17, 1982, OSM published a notice in the **Federal Register** to cancel the public hearing (47 FR 41142–41143).

Public disclosure of comments by Federal agencies was made on October 13, 1982, in the **Federal Register** (47 FR 45043).

Secretary's Findings

The Secretary finds, in accordance with SMCRA and 30 CFR 732.17 and 732.15, that the program amendments submitted by Virginia on August 13, 1982, meet the requirements of SMCRA and 30 CFR Part VII as set forth below.

Condition (a)

Virginia has revised its regulations at V701.5 to adopt the terminology "best technology currently available" defining the term consistent with Section 515(b)(10)(B)(i) of SMCRA and 30 CFR 701.5. Pursuant to the Secretary's decision, Virginia also has incorporated the term into all Virginia regulations where "best technology reasonably available" was used with the exception of Virginia regulation V817.59. See the discussion in Finding 4c(ii) of the December 15, 1981 **Federal Register** (46 FR 61090–61091), as to why V817.59 is exempt.

Condition (b)

Virginia has revised its alternative regulations to delete the previous regulations regarding the zone-fill concept. Pursuant to the Secretary's decision of December 15, 1981, Virginia has formally submitted, as a permanent program amendment, alternative language which was contained in draft form in Appendix D of its August 13, 1981 resubmission. See 46 FR 61092. The Secretary finds the alternative regulations at V816.75 and V817.75 consistent with Section 515(b)(22) of SMCRA and the Federal regulations.

Condition (c)

Virginia has revised its regulations at V816.12(g)(iv) to require the shaving and blending of highwalls into the surrounding natural terrain when roads or ditches would be left at the top of the backfill area consistent with 30 CFR 816.102(b)(3).

Condition (d)

Virginia has revised its regulations at V816.33 and V817.33 to clarify that diversion ditches shall not be constructed on areas with landslide potential consistent with 30 CFR 816.43(d) and 817.43(d).

Condition (e)

Virginia has revised its regulations at V816.37 and V817.37 to require that discharges or water must meet all applicable Federal and State laws and regulations and at a minimum, applicable effluent limits set forth in the NPDES program consistent with 30 CFR 816.42 and 817.42.

Condition (f)

Virginia has revised its regulations at V816.65(k) and V817.65(k) to provide for a scaled distance factor of 60 as it relates to the maximum pounds of explosives to be used per delay consistent with 30 CFR 816.65(k) and 817.65(k).

Condition (g)

Virginia has revised its regulations at V816.61(b) and V816.64(a)(1) to allow only five pounds or less of explosives to be detonated without publishing notice in the operator's blasting schedule consistent with 30 CFR 816.61(b) and 816.64(a)(1).

Condition (h)

Virginia has revised its regulations at V816.65(i) and V817.65(i) to require maximum ground vibrations from an explosive detonation to be 1.0 inch per second consistent with 30 CFR 816.65(i).

Condition (i)

Virginia has revised its regulations at V816.76 and V817.76 to delete the disposal of excess spoil on unpermitted areas such as lawns, fields, or commercial development sites at the request and approval of the landowner consistent with Section 515(b)(22) of SMCRA.

Condition (j)

Virginia has revised its Coal Surface Mining Technical Handbook, Standards and Specifications for Diversion Ditches, Abandonment Procedures Items 1 and 4 regarding elimination of temporary diversions consistent with 30 CFR 816.43(e), 30 CFR 816.44(c) and (d), 30 CFR 817.43(e) and 30 CFR 817.44(c) and (d).

Condition (l)

Virginia has revised its regulations at V843.12(f) to provide acceptable criteria for extending the abatement period of violations beyond 90 days consistent with 30 CFR 843.12(f).

Condition (m)

Virginia has revised its regulations at V843.12(e) to require the authorized representative of the Director to determine that all violations have been abated consistent with Section 521(a)(5) of SMCRA and 30 CFR 843.12(e). The Secretary interprets the revised regulation to mean that the authorized representative of the Director will necessarily conduct an investigation to confirm abatement of all violations.

Condition (n)

Virginia has revised its regulations at V843.13(a) to provide for those situations where the Director shall determine that a pattern of violations exists in a manner consistent with 30 CFR 843.13(a)(3) and (4).

Condition (o)

Virginia has revised its definition of "significant legal and financial commitments" (SLFC) at V762.5 consistent with the Federal definition of SLFC at 30 CFR 762.5. The Secretary interprets this regulation change as superseding the provisions program rationale on SLFC which provided that mere ownership of mineral rights or the right to mine constitutes SLFC.

Condition (p)

Virginia has revised its regulations at V842.12(c) to delete the provisions (1) requiring a citizen accompanying an inspector to do so at his/her own risk and (2) providing that neither the regulatory authority, its personnel, the operator or his/her personnel shall be liable for an injury or damage sustained by a citizen consistent with 30 CFR 842. 12(c).

Condition (s)

Virginia has revised its definition of "affected area" at V701.5 consistent with the Federal definition at 30 CFR 701.5.

Non-substantive corrections to the Virginia Coal Surface Mining Control and Reclamation Act (VACSMCRA) and its regulations

Virginia has revised certain parts of VACSMCRA and its implementing regulations to make non-substantive, primarily typographical, changes. The Secretary finds the corrections consistent with SMCRA and 30 CFR Chapter VII.

Public Comments

The Virginia Citizen's for Better Reclamation (VCBR) commented tith regard to condition (d) that Virginia failed in its revised regulations to provide that diversions shall not be constructed on existing landslides without approval from the regulatory authority and that Virginia had not amended its program to include a provision consistent with 30 CFR 816.43(f)(4). As to the first comment, the Secretary finds that Virginia has satisfied condition (d) by revising its regulations at V816.33 and V817.33 to clarify that diversions shall not be constructed on areas with landslide potential which are no less effective

than the Federal regulations at 30 CFR 816.43(d) and 817.43(d).

With regard to the second comment, the Secretary finds that condition (d) does not require changes to the Virginia counterpart to 30 CFR 816.43 (f)(4). However, in a meeting on September 21–22, 1981 (Administrative Record No. VA 314, page 5), Virginia officials indicated that they interpret Virginia regulation V816.71(a) to mean that all excess spoil, whether it comes from actual coal removal or the construction of diversions, must be disposed of in accordance with the Virginia regulations on excess spoil disposal.

VCBR commented with regard to condition (j) that Virginia's amended procedures for elimination of temporary diversions are not as effective as the procedures called for in the Federal regulations. The Secretary finds that Virginia has satisfied condition (j) by revising its program to delete the language in its Coal Surface Mining Technical Handbook, Standards and Specifications for Diversion Ditches, Abandonment Procedures Items 1 and 4 regarding the elimination of temporary diversions to make the State program no less effective than the Federal regulations at 30 CFR 816.43(e), 30 CFR 816.44 (c) and (d), 30 CFR 817.43(e) and 30 CFR 817.44 (c) and (d).

VCBR commented with regard to condition (1) that Virginia's amended regulation V843.12(f) includes the two requirements of 30 CFR 843.12(f) but that nevertheless V843.12(f) still allows the regulatory authority to grant extensions to the 90-day abatement period for reasons other than those included in the Federal rule. In Finding 4j(ii) of the December 15, 1981 **Federal Register**, the Secretary found that the Virginia regulations at V843.12(f) were inconsistent with 30 CFR 843.12(f). Virginia's provisions were found inconsistent because the Virginia regulations did not limit the granting of extensions to situations where, due to climatic conditions, abatement within 90 days would clearly cause more environmental harm than it would prevent or require action that would violate safety standards established by statute or regulation under the Mine Safety and Health Act. Virginia's revised regulations at V843.12(f)(4) now contain the above two requirements which the Secretary finds consistent with 30 CFR 843.12(f).

Additional Determinations

The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 6, and 8 of Executive Order 12291 for all actions taken to approve or conditionally approve State regulatory programs, actions or amendments. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

Pursuant to the Regulatory Flexibility Act, Pub. L. 96–354, I have certified that this rule will not have a significant economic impact on a substantial number of small entities.

On November 8, 1982, the Administrator of the Environmental Protection Agency transmitted her written concurrence on the amendments approved in this document as they relate to air or water quality standards promulgated under the authority of the Federal Clean Water Act, as amended (33 U.S.C. 1151 *et seq.*), and the Clean Air Act, as amended (42 U.S.C. 1857 *et seq.*).

List of Subjects in 30 CFR Part 946

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Therefore, Part 946 of 30 CFR Chapter VII is amended as set forth herein.

Dated: December 3, 1982.

Daniel N. Miller, Jr.

Assistant Secretary for Energy and Minerals.

PART 946—[AMENDED]

1. Part 946 of Title 30 is amended by revising § 946.10 to read as follows:

§ 946.10 State regulatory program approval.

The Virginia State Program, as submitted on March 3, 1980, as amended and clarified on June 16, 1980, as resubmitted on August 13, 1981, and clarified in a meeting with OSM on September 21 and 22, 1981, and in a letter to the Director of the Office of Surface Mining on October 15, 1981, was conditionally approved, effective December 15, 1981. Beginning on that date, the Department of Conservation and Economic Development, Division of Mined Land Reclamation, was deemed the regulatory authority in Virginia for all surface coal mining and reclamation operations and all exploration operations on non-Federal and non-Indian lands. Beginning on July 21, 1982, August 19, 1982, and September 21, 1982, the program also included program amendments submitted on January 28, July 9, and July 8, 1982, respectively. Further, beginning on December 13, 1982 the program includes program amendments submitted on August 13, 1982. Copies of the conditionally approved program, as amended, are available for review at:

Virginia Division of Mined Land Reclamation, Drawer U, 622 Powell Avenue, Big Stone Gap, Virginia 24219

Virginia Department of Conservation and Economic Development, 1100 State Office Building, Richmond, Virginia 23219

Office of Surface Mining Reclamation and Enforcement, Flannagan and Carroll Streets, Lebanon, Virginia 24266

Office of Surface Mining Reclamation and Enforcement, Room 5315, 1100 L Street NW., Washington, D.C. 20240.

§ 946.11 [Amended]

2. Section 946.11 conditions of State regulatory approval, is amended by removing and reserving paragraphs (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (l), (m), (n), (o), (p) and (s).

[FR Doc. 82–33680 Filed 12–10–82; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–5–FRL 2248–5]

Approval and Promulgation of Implementation Plans; Michigan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: EPA announces final rulemaking on a revision to the Michigan State Implementation Plan (SIP). This revision approves Consent Order No. 06–1981 for the Clark Oil and Refining Corporation which establishes a detailed compliance schedule containing increments of progress. The final compliance date of December 31, 1982 is consistent with the attainment date for the ozone National Ambient Air Quality Standard (NAAQS). This revision is based upon Michigan's commitment to submit detailed compliance schedules related to EPA's conditional approval of Michigan's Rule 336.1603 (May 6, 1980, 45 FR 29790).

DATE: This action is effective February 11, 1983, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of this revision to the Michigan SIP are available for inspection at: The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C.

Copies of the SIP revision and other materials relating to this rulemaking are available for inspection at the following

addresses: (It is recommended that you telephone Ms. Toni Lesser, at (312) 886–6037 before visiting the Region V Office).

Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604

Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460

Michigan Department of Natural Resources, Air Quality Division, 7150 Harris Drive, Lansing, Michigan 48909.

Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Ms. Toni Lesser, Air Programs Branch, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6037.

SUPPLEMENTARY INFORMATION: On July 28, 1982, the State of Michigan submitted Consent Order No. 06–1981 as a revision to its SIP for the Clark Oil and Refining Corporation concerning volatile organic compound (VOC) emissions from the company's truck gasoline loading rack. Clark Oil is located in the City of Marshall, County of Calhoun.

Michigan's R336.1603 requires individual sources to submit compliance schedules containing specified increments of progress, for achieving compliance with VOC emission limits in Part 6 of the Commission's Rules. On May 6, 1980 (45 FR 29790) EPA conditionally approved R336.1603. The condition was that the State submit the individual compliance schedules to EPA as revisions to the SIP in order that the SIP conform to the requirements of 40 CFR § 51.1(Q) and 51.15.

Consent Order No. 06–1981 for Clark Oil consists of a detailed compliance schedule for achieving the VOC emission limit of 0.7 pounds of organic vapor per 1000 gallons of organic compounds load in R336.1609, which contains the following increments:

(1) Dates by which the company shall submit plans and specifications and applications for an installation permit,

(2) Dates for control device manufacturers' orders,

(3) Dates for notification of installation,

(4) Dates for notification of equipment operation,

(5) Date for submission of detailed report of equipment testing, and

(6) Date by which proof of attainment of the required VOC emission limitations shall be submitted.

Items 1 and 2 listed above have been completed. The final compliance date is December 31, 1982. This final compliance date is consistent with R336.1609 and the required attainment date for the ozone NAAQS. In addition, this revision will not adversely impact reasonable further progress (RFP).

We have reviewed this compliance plan and find it to be consistent with 40 CFR 51.1(Q) and 51.15. Therefore, EPA is proposing approval of this SIP revision.

Because EPA considers today's action noncontroversial and routine, we are approving it today without prior proposal. The action will become effective on February 11, 1983. However, if we receive notice by January 12, 1983 that someone wishes to submit critical comments, *then* EPA will publish: (1) a notice that withdraws the action, and (2) a notice that begins a new rulemaking by proposing the action and establishing a comment period.

Under Executive Order 12291, today's action is not "Major".

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 11, 1983. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

Note.—Incorporation by reference of the State Implementation Plan for the State of Michigan was approved by the Director of the Federal Register on July 1, 1982.

(Sec. 110 of the Clean Air Act, as amended (42 U.S.C. 7410))

Dated: December 8, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart X—Michigan

1. Section 52.1170 is amended by adding paragraph (c)(62) as follows:

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

(62) On July 28, 1982, the State of Michigan submitted Consent Order No. 06–1981 for the Clark Oil and Refining Corporation for volatile organic compound (VOC) emissions. This revision is a detailed compliance schedule containing increments of progress with a final compliance date of December 31, 1982 and an emission limitation of 0.7 pound of organic vapor per 1000 gallons of organic compound load.

* * * * *

2. Section 52.1175 is amended in the table to paragraph (e) by adding a compliance schedule for the Clark Oil and Refining Corporation alphabetically by county to read as follows:

§ 52.1175 Compliance schedules.

* * * * *

(e) * * *

MICHIGAN—CALHOUN COUNTY

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
Clark Oil and Refining Corp.	Calhoun County	R336.1603 R336.1609	May 14, 1982	Dec. 31, 1982.

[FR Doc. 82-33772 Filed 12-10-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 123

[WH–7–FRL 2266–6]

Oklahoma; Phase II, Components A and B Interim Authorization of the State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Approval of State Hazardous Waste Management Program.

SUMMARY: The State of Oklahoma has applied for Interim Authorization Phase II Components A and B. EPA has reviewed Oklahoma's application for Phase II Interim Authorization, Components A and B, and has determined that Oklahoma's hazardous waste program is substantially equivalent to the Federal program covered by Components A and B. The State of Oklahoma is hereby granted Interim Authorization for Phase II, Components A and B, to operate the State's hazardous waste program covered by these Components in lieu of the Federal program.

EFFECTIVE DATE: December 13, 1982.

FOR FURTHER INFORMATION CONTACT: H. J. Parr, Hazardous Materials Branch, U.S.E.P.A., Region 6, 1201 Elm Street, Dallas, Texas 75270, (214) 767–2645.

SUPPLEMENTARY INFORMATION: In the May 19, 1980 **Federal Register** (45 FR 33063), the Environmental Protection Agency promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 (as amended), to protect human health and the environment from the improper management of hazardous waste. Included in these regulations, which became effective 6 months from the date of promulgation, were provisions for a transitional stage in which states would be granted interim program authorization. The interim authorization program will be implemented in two phases corresponding to the two stages in which an underlying Federal program will take effect.

The State of Oklahoma received Interim Authorization for Phase I on January 16, 1981.

In the January 26, 1981 **Federal Register** (46 FR 7965), the Environmental Protection Agency announced the availability of portions of the second phase of Interim Authorization. EPA's decision to make the second phase of Interim Authorization available in components was based on the desire to proceed with authorizing State programs as expeditiously as possible and because some of the subparts of the federal regulations containing standards for hazardous waste treatment, storage and disposal facilities (40 CFR Part 264) are to be promulgated at different times rather than in one single promulgation as previously anticipated.

On September 21, 1982, EPA published a notice in the **Federal Register** inviting the public to comment on the Oklahoma application for Interim Authorization Phase II, Components A and B of its Hazardous Waste Management Program at a public hearing to be conducted by Region 6 on October 26, 1982. This notice also invited the public to submit written comments on the Oklahoma application to Region 6 by the close of the public hearing. Notice was also given in three major daily newspapers in Oklahoma and was mailed to persons on both the State and EPA mailing lists.

Discussion

Oklahoma has operated its hazardous waste management program since 1976 and was among the first group of states authorized to operate Phase I of the RCRA program on January 16, 1981. On March 4, 1982, the state submitted to me the draft application for Interim Authorization for Phase II, Components A and B of the RCRA program.

During our review of the Oklahoma draft application submitted by the Oklahoma State Department of Health, the state agency with jurisdiction in hazardous waste management, an issue was identified which required resolution in order for the state to receive Interim Authorization for Phase II, Components A and B.

Regulations governing permitting procedures and procedures for decisionmaking were found not to be substantially equivalent to federal regulations. Where necessary the State has agreed in the MOA to carry out activities which render the program substantially equivalent. Additionally, certification of the state's authority to make these agreements is made in the Attorney General's statement, the Program Description explains how the agreements are implemented, and the Authorization Plan describes the schedule and activities needed to make corrections in the state program for Final Authoriaztion.

The State agrees in the MOA to issue a draft permit upon the decision to modify a permit; to provide 30 days notice of a public hearing on a draft permit; to provide notice to local governments and to other involved state agencies of intention to issue a permit; to allow any person to request a public hearing; and, to hold a public meeting (analogous to a federal public hearing) whenever written opposition to a permit is received.

Oklahoma submitted its official application on September 2, 1982. This application addressed all of the issues identified in the review of the draft application.

Minor issues requiring clarification by the State were identified in the review of the complete application. Specifically, the State has agreed in the MOA to clarify the requirements to notify and file Part A permit applications by facilities newly covered in the program because of a change in the identification or listing of hazardous waste and to clarify how responses are made to comments on draft permits.

Responsiveness Summary

Region 6 held the public hearing on the Oklahoma application for Phase II authorization on the evening of October 26, 1982, in Oklahoma City, Oklahoma. Eight (8) members of the public attended in addition to Region 6 and State agency representatives. No presentations were made by the public.

The public comment period closed at the end of the public hearing on October 26, 1982. EPA received no comments.

Response

EPA notes that no comments were made on the Oklahoma application for Phase II of Interim Authorization, Components A and B. Ample notice and opportunity were provided for the review of and comment on the application. EPA interprets this silence, not as disinterest, but as general public acceptance of the viability of the Oklahoma Hazardous Waste Management Program.

I conclude that the Oklahoma application for Interim Authorization to operate the RCRA Phase II, Components A and B program meets all of the statutory and regulatory requirements and as such I approve this authorization.

Compliance With Executive Order 12291

The Office of management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. The authorization suspends the applicability of certain Federal regulations in favor of the State program, thereby eliminating duplicative requirements for handlers of

hazardous wastes in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 123

Hazardous materials, Indians—lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, and Confidential business information.

(Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 and the Solid Waste Disposal Act Amendments of 1980. 42 U.S.C. 6901 et seq.)

Dated: November 10, 1982.

Dick Whittington, P.E.,

Regional Administrator.

[FR Doc. 82-33786 Filed 12-10-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 67

Letters Regarding Interpretations of the Separations Manual

AGENCY: Federal Communications Commission.

ACTION: Final rule; letter(s) regarding interpretation of the Separation Manual.

SUMMARY: In response to written requests, the Commission is issuing interpretation of its February 1982 Orders in Docket No. 80-286 and amendments to its Jurisdictional Separations Manual that was published at 47 FR 9170, March 3, 1982, and corrected at 47 FR 15142, April 8, 1982. These interpretations are clarification of the Commission's Orders that will resolve problems and permit carriers to proceed with the implementation of the revisions to FCC-NARUC Separation Manual.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mr. Michael E. Wilson, Accounting and Audits Division, Common Carrier Bureau, [202] 634-1965.

Gary M. Epstein,

Chief, Common Carrier Bureau.

November 26, 1982.

Mr. W. R. McGeary,

Director of Settlements, United States Independent Telephone Association, 1801 K Street, NW., Suite 1201, Washington, D.C. 20006

Dear Mr. McGeary: This letter is in response to your letter of October 15, 1982, in which you requested clarification of three aspects of the Commission's February 24, 1982 Order in Docket No. 80-286. Your interpretation of the Order is that only accounts 231 and 234 are to have a frozen base amount established, and all other investment accounts will be affected through the normal separations process. Second, you stated that a frozen CPE base amount should be established for all direct and indirect expenses, taxes, and reserves associated with CPE using the normal separations allocation process. Finally, you requested approval of one of two methods to be used to identify the frozen base amounts of CPE related maintenance expense in Account 605 and the consistent application of this method to determine the current booked amount of CPE related maintenance expenses during the phase out period.

The Commission's freeze of CPE was addressed in the February 24, 1982 Order, wherein it noted:

> The amounts in the *CPE plant accounts* on the books as of that date and the average amounts in related expense accounts for the previous year would constitute a "base amount" for separations purposes. The base amount would be reduced at the rate of one-sixtieth per month for a maximum of five years. (para. 28) (emphasis added)

We believe that your interpretation of the Commission's Order that the only investment accounts for which a frozen base is to be established are accounts 231 and 234 is consistent with this language and the overall Commission objective of a smooth implementation of its Computer II Decision.

However, we believe that your interpretation of the expense, tax, and reserve accounts associated with CPE, for which a frozen base is to be established, goes beyond the Commission's intent in this area. In our August 26, 1982 letter to Mr. William Stump of AT&T, Mr. Martin McCue of Centel and Mr. Donald Hirt of USITA, we noted that the expense, tax, and reserve accounts for which a base is to be established are those specifically associated with CPE. More particularly, this should be interpreted as those expenses, taxes, and reserves that are assigned to the interstate jurisdiction on the bases of the assignment of telephone plant in service including CPE. Therefore, in addition to the CPE related portions of accounts 605 and 608 described in the Commission's February 24 Order we believe the following accounts should have a frozen base established for the amounts associated with CPE and be reduced at the rate of one-sixtieth per month for a maximum of five years.

Expense Accounts—(portion associated with CPE)

665 Other General Office Salaries and Expenses—Engineering portion
668 Insurance
669 Accidents and Damages
673 Telephone Franchise Requirements
675 Other Expenses

Tax Accounts—(portion associated with CPE)

304 Investment Credits—net
307 Other Operating Taxes
(a) Property Taxes
(b) Capital Stock Taxes
(c) Other Taxes

Reserve Accounts—(portion associated with CPE)

171 Depreciation Reserve
176.1 Accumulated deferred income taxes—accelerated tax depreciation

We do not believe that inclusion of the other accounts for which you recommend the establishment of a frozen base, that is, those accounts that are assigned on the basis of wages, would be consistent with the Commission's overall objective of phasing out CPE and its related expenses. Further, we feel that the Commission intended to implement the deregulation of CPE by changing the existing separations process only where required to achieve the stated objectives. The freezing of an excessive number of account balances would, we believe, place an unnecessary burden on some carriers' separations and accounting systems.

You also requested Commission approval of one of two methods that would be used to identify the frozen base amounts of CPE related maintenance expenses in account 605. However, we feel that because of the variety of detailed records maintained by the various carriers it would be difficult for the Commission to prescribe a specific method of identifying these costs. A study of the carriers' detailed accounting records to identify the CPE related cost would be the most accurate method of identifying the CPE related cost. However, many small carriers do not maintain the detailed records necessary to make an assignment of cost in this manner. Therefore, these carriers must identify the CPE related maintenance cost by some other method. Accordingly, at this time we do not believe it is desirable for the Commission to prescribe a specific method of identifying the frozen base amounts of CPE related maintenance expenses in account 605.

Finally, we agree with your interpretation that once a carrier has selected a method of identifying a frozen base amount for CPE related maintenance expense, this method must be consistently used to identify the current booked amount of CPE related maintenance expense during the phase out period.

If you have any questions concerning this response please contact Michael Wilson of our Accounting and Audits Division at (202) 634-1965.

Sincerely yours,

Gary M. Epstein.

Chief, Common Carrier Bureau.

[FR Doc. 82-33762 Filed 12-10-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-488; RM-4143]

FM Broadcast Station in Alma, Georgia; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Channel 240A to Alma, Georgia, in response to a petition filed by Queen City Broadcasting Systems. The assigned channel could provide a first local FM service to Alma.

DATE: Effective: January 28, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau (202) 632–7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: November 16, 1982.

Released: November 29, 1982.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Alma, Georgia); BC Docket No. 82–488, RM–4143; Report and Order (Proceeding Terminated).

1. The Commission has under consideration the Notice of Proposed Rule Making, 47 FR 34592, published August 10, 1982, proposing the assignment of Channel 240A to Alma, Georgia, as that community's first FM assignment, in response to a petition filed by Queen City Broadcasting Systems ("petitioner"). Petitioner filed comments in support of the proposal and reaffirmed its interest in applying for the channel, if assigned. A site restriction of approximately 2.1 miles northwest of the city is required due to Station WKTZ(FM), Savannah, Georgia. No oppositions to the proposal were received.

2. The Commission has determined that the public interest would be served by assigning Channel 240A to Alma, Georgia, since it could provide a first local FM service to that community.

3. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281 and 0.204(b) of the Commission's Rules, IT IS ORDERED, That effective January 28, 1983, § 73.202(b) of the Commission's Rules IS AMENDED with respect to the following community.

City	Channel No.
Alma, Georgia	240A

4. It is further ordered, That this proceeding is terminated.

5. For further information contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82–33763 Filed 12–10–82; 8:45 am]

BILLING CODE 6717–01–M

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47 CFR Part 73

[BC Docket No. 82–554; RM–4155]

FM Broadcast Station in Redfield, South Dakota; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Class C Channel 279 to Redfield, South Dakota, in response to a petition filed by Victoria Broadcasting Systems, Inc. The assigned channel could provide a first FM service to Redfield.

DATE: Effective: January 31, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau (202) 632–7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: November 19, 1982.

Released: December 1, 1982.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Redfield, South Dakota); BC Docket No. 82–554, RM–4155; *report and order* (Proceeding Terminated).

1. The Commission has under consideration the Notice of Proposed Rule Making, 47 FR 35999, published August 18, 1982, proposing the assignment of Class C Channel 279 to Redfield, South Dakota, as that community's first FM assignment, in response to a petition filed by Victoria Broadcasting Systems, Inc. ("petitioner"). Petitioner filed comments in support of the proposal and reaffirmed its intention to apply for the channel, if it is assigned. The channel can be assigned in compliance with the minimum distance separation requirements. There were no oppositions to the proposal.

2. The Commission has determined that the public interest would be served by assigning Channel 279 to Redfield, South Dakota, since it would provide a first local FM service to that community.

3. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.204(b) and 0.281 of the Commission's rules, IT IS ORDERED, that effective January 31, 1983, § 73.202(b) of the Commission's rules is amended with respect to the following community:

City	Channel No.
Redfield, South Dakota	279

4. It is further ordered, that this proceeding is terminated.

5. For futher information contact Mark Lipp, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82–33765 Filed 12–10–82; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[BC Docket No. 82–490; RM–4130]

FM Broadcast Station in Cleveland, Wisconsin; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Channel 276A to Cleveland, Wisconsin, in response to a petition filed by Electro Technik, Inc. The assigned channel could provide a first local FM service to Cleveland.

DATE: Effective: January 31, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau (202) 632–7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: November 19, 1982.

Released: December 1, 1982.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Cleveland, Wisconsin); BC Docket No. 82–490, RM–

4130; report and order (Proceeding Terminated).

1. The Commission herein considers the Notice of Proposed Rule Making, 47 FR 34593, published August 10, 1982, proposing the assignment of Channel 276A to Cleveland, Wisconsin, as that community's first FM assignment, in response to a petition filed by Electro Technik, Inc. ("petitioner"). Petitioner filed comments in support of the proposal and reaffirmed its interest in filing for the channel, if assigned. A site restriction of 3.8 miles north of the city is required due to Station WBCS in Milwaukee, Wisconsin.

2. The Commission has determined that the public interest would be served by assigning Channel 276A to Cleveland, Wisconsin, since it could provide a first local FM service to that community.

3. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.204(b) and 0.281 of the Commission's Rules, it is ordered, that effective January 31, 1983, § 73.202(b) of the Commission's Rules is amended with respect to the following community:

City	Channel No.
Cleveland, Wisconsin	276A

4. It is further ordered, that this proceeding is terminated.

5. For further information contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-33764 Filed 12-10-82; 8:45 am]

BILLING CODE 6717-01-M

47 CFR Part 73

[BC Docket No. 82-493; RM-4124]

FM Broadcast Station Afton, Wyoming; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Channel 252A to Afton, Wyoming, in response to a petition filed by Western Wyoming Radio. The assignment could provide a first local FM service to Afton.

DATE: Effective: January 31, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: November 19, 1982.

Released: December 1, 1982.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Afton, Wyoming); BC Docket No. 82-493, RM-4124; *report and order* (Proceeding Terminated).

1. The Commission has under consideration the Notice of Proposed Rule Making, 47 FR 36674, published August 23, 1982, proposing the assignment of Channel 252A to Afton, Wyoming, as that community's first FM assignment in response to a petition filed by Western Wyoming Radio ("petitioner"). Petitioner filed comments in support of the proposal and reaffirmed its interest in applying for the channel, if assigned. No oppositions to the proposal were received.

2. The Commission has determined that the public interest would be served by assigning Channel 252A to Afton, Wyoming, since it would provide a first local FM service to that community.

3. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.204(b) and 0.281 of the Commission's Rules, IT IS ORDERED, that effective January 31, 1983, § 73.202(b) of the Commission's Rules is amended with respect to the following community:

City	Channel No.
Afton, Wyoming	252A

4. It is further ordered, that this proceeding is terminated.

5. For further information contact Mark N. Lipp, Broadcast Bureau, [202] 632-7792.

(Secs. 4, 303, 48 stat. as amended, 1066, 1082; 47 U.S.C 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules, Broadcast Bureau.

[FR Doc. 82-33766 Filed 12-10-82; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

49 CFR Parts 7 and 601

Public Availability of Information

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Final rule.

SUMMARY: The purpose of this document is to revise the regulations dealing with the document inspection facility of the Urban Mass Transportation Administration (UMTA), the kinds of records which are available for public inspection and copying, and the procedures by which members of the public may make requests for identifiable records. These revisions reflect changes in location of the facility and the agency official responsible for reconsideration of determinations not to disclose records.

EFFECTIVE DATE: December 13, 1982.

FOR FURTHER INFORMATION CONTACT: Linda L. Watkins, Urban Mass Transportation Administration, Room 9223, 400 Seventh Street, SW., Washington, D.C. 20590 (202) 426-1936.

SUPPLEMENTARY INFORMATION: Since this is a matter dealing with agency practice and procedure, under 5 U.S.C. 553, notice and comment are not required, and the rules may be made effective less than 30 days after publication.

The Regulatory Flexibility Act (Pub. L. No. 96-354) requires Federal agencies to prepare a final regulatory flexibility analysis for all final rules after being required by 5 U.S.C. 553 to publish a general notice of proposed rulemaking (NPRM). As stated above, this rule concerns an agency practice and procedure and is exempt from notice and comment. Therefore UMTA is not required to prepare a final regulatory flexibility analysis for this rule. Nevertheless, UMTA has reviewed this final rule to determine what impact, if any, it will have on small entities. Based on this review, it is certified that this rule will not have a significant economic impact on a substantial number of small entities.

The Department of Transportation Order for Improving Government Regulations (44 FR 11034) does not apply to this rulemaking. This rule is not a "major" rule as that term is defined in E. O. 12291.

In addition to revising the UMTA regulations governing public availability of information, this document also revises Appendix G to the Department of Transportation regulations governing public availability of information. This Appendix deals with UMTA. The authority to amend this Appendix is delegated to the UMTA Administrator by 49 CFR 7.1(d).

List of Subjects

49 CFR Part 7

Freedom of information.

49 CFR Part 601

Freedom of information, authority delegations (Government agencies), organization and functions (Government agencies).

Accordingly, Title 49 of the Code of Federal Regulations is amended by:

PART 7—PUBLIC AVAILABILITY OF INFORMATION

1. Revising items 2, 4, and 5 of Appendix G to Part 7 to read as follows:

Appendix G—Urban Mass Transportation Administration

* * * * *

2. *Document inspection facility.* The document inspection facility of the Urban Mass Transportation Administration is maintained in Room 9314 at the headquarters of the Department of Transportation Building (Nassif Building), 400 Seventh Street, S.W., Washington, D.C. 20590. This facility is open to the public from 8:30 a.m. to 5:00 p.m.

* * * * *

4. *Requests for identifiable records under Subpart E of this part.* Each person desiring to inspect a record, or to obtain a copy thereof, must submit the request in writing to the Director of Public Affairs, Urban Mass Transportation Administration, Room 9314 of the Department of Transportation Building (Nassif Building), 400 Seventh Street, SW., Washington, D.C. 20590. Each request must be accompained by the appropriate fee prescribed in Subpart I of this part.

5. *Reconsideration of determinations not to disclose records.* Any person to whom a record is not made available within the time limits set out in Subpart C of this part, and any person who has been notified that a record which that person has requested will not be disclosed, may apply, in writing, to the Executive Director, Urban Mass Transportation Administration, Room 9324 of the Department of Transportation Building (Nassif Building), 400 Seventh Street SW., Washington, D.C. 20590, for reconsideration of the request. The decision of the Executive Director is administratively final.

* * * * *

PART 601—ORGANIZATION, FUNCTIONS, AND PROCEDURES

Subpart C—Public Availability of Information

2. Revising § 601.20 to read as follows:

§ 601.20 Sources of information.

(a) The Urban Mass Transportation Administration has published a series of internal and external directives which contain the history, organization, policy, procedures, criteria, guidelines, interpretations and general regulations formulated and adopted by UMTA as guidance for grant recipients, and the general public. All directives are listed in UMTA Notice N 0000.17 "Directives Checklist."

(b) Single copies of the checklist or any directive may be obtained without charge upon written request either to the Director, Office of Public Affairs, Urban Mass Transportation Administration, Room 9314, 400 Seventh Street, SW., Washington, D.C. 20590, or any Urban Mass Transportation Administration regional office listed in § 601.2.

(c) The Urban Mass Transportation Administration maintains, under the supervision of the Director of Public Affairs, a document inspection facility in Room 9314 at the headquarters of the Department of Transportation Building (Nassif Building), 400 Seventh Street, SW., Washington, D.C. 20590, through which the following UMTA documents may be obtained:

(1) An index to, and copies of, the internal and external directives of the Urban Mass Transportation Administration.

(2) Any proposed or final regulation issued by the Urban Mass Transportation Administration, and any background information for these regulations.

(d) Any person desiring to inspect any of these records, or obtain a copy thereof, must submit a request in writing, specifying the record to be inspected or copied to the Director, Office of Public Affairs, Urban Mass Transportation Administration, Room 9314, 400 Seventh Street, SW., Washington D.C., 20590, accompained by the appropriate fee for copies prescribed in 49 CFR Part 7, Subpart I.

(5 U.S.C. 552; 49 U.S.C. 1657; 49 CFR 7.1(d)).

Issued on: December 3, 1982.

Arthur E. Teele, Jr.,

Administrator.

[FR Doc. 82-33618 Filed 12-10-82; 8:45 am]

BILLING CODE 4910-57-M

National Highway Traffic Safety Administration

49 CFR Part 531

[Docket No. LVM 82-01; Notice 2]

Passenger Automobile Average Fuel Economy Standards

AGENCY: National Highway Traffic Safety Administration (NHTSA), Transportation Department.

ACTION: Final rule.

SUMMARY: This notice grants petitions by Aston Martin Lagonda, Ltd. (Aston Martin), Avanti Motor Corporation (Avanti), Checker Motor Corporation (Checker), Excalibur Automobile Corporation (Excalibur), and Rolls-Royce Motors, Ltd. (Rolls-Royce), requesting that they be exempted from the generally applicable average fuel economy standards for 1981–1985 passenger automobiles, and that lower alternative standards be established for those companies. This notice, which was preceded by a proposal requesting public comments, establishes those exemptions and alternative standards under the authority of the Motor Vehicle Information and Cost Saving Act. The alternative standards are the same as those proposed except in the case of Checker. Checker has stopped production of all its passenger automobiles. Accordingly, its petition for the 1983–85 model years is treated as moot.

DATE: These exemptions are effective for model years 1981–1985.

FOR FURTHER INFORMATION CONTACT: Richard L. Strombotne, Office of Market Incentives, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590; (202–426–2817).

SUPPLEMENTARY INFORMATION: The NHTSA is exempting Aston Martin, Avanti, Excalibur, and Rolls-Royce from the generally applicable average fuel economy standards for passenger automobiles manufactured in the 1981–1985 model years and establishing alternative standards applicable to those companies in those model years. Checker is granted exemptions and subject to alternative standards for the 1981 and 1982 model years.

These exemptions are issued under the authority of section 502(c) of the Motor Vehicle Information and Cost Savings Act, as amended ("the Act") (15 U.S.C. 2002(c)). Section 502(c) provides that a manufacturer of passenger automobiles which manufactures fewer than 10,000 vehicles annually may be

exempted from the generally applicable average fuel economy standard for a particular model year if that standard is greater than the low volume manufacturer's maximum feasible average fuel economy and if the NHTSA establishes an alternative standard applicable to that manufacturer at the maximum feasible average fuel economy. In determining the manufacturer's maximum feasible average fuel economy, section 502(e) of the Act (15 U.S.C. 2002(e)) requires the NHTSA to consider:

(1) Technological feasibility;

(2) Economic practicability;

(3) The effect of other Federal motor vehicle standards on fuel economy; and

(4) The need of the Nation to conserve energy.

This final rule was preceded by a notice announcing the NHTSA's proposed decision to grant an exemption to all five of these companies for all five model years (47 FR 20639; May 13, 1982). NHTSA received only one comment during the 45-day comment period. The comment was from Checker.

Checker stated that its financial condition would not permit it to carry out its plans to improve fuel economy for its 1983–1985 model year vehicles, and requested lower alternative standards for each of those model years. On July 9, 1982, Checker ended production of its passenger automobiles with no plans to resume that production. Accordingly, NHTSA is dismissing Checker's petition for exemption during the 1983–1985 model years as moot. Exemptions and alternative standards are established for the 1981 and 1982 model years, the years in which Checker was producing automobiles. No other comments were received.

Based on its conclusions that the maximum feasible average fuel economy levels for each of the petitions during the 1981–1985 model years would be as shown below, that other Federal motor vehicle standards would not affect achievable fuel economy beyond the extent considered in this analysis, and that the national effort to conserve energy will not be affected by the granting of these requested exemptions, NHTSA hereby exempts the five petitioners from the generally applicable average fuel economy standards and establishes alternative standards for the petitioners at the levels shown below.

List of Subjects in 49 CFR Part 531

Energy conservation, Gasoline, Imports, Motor vehicles.

PART 531—[AMENDED]

In consideration of the foregoing, 49 CFR Part 531 is amended by revising § 531.5 to read as follows:

§ 531.5 Fuel economy standards.

* * * * *

(b) The following manufacturers shall comply with the standards indicated below for the specified model years:

(1) Avanti Motor Corporation.

AVERAGE FUEL ECONOMY STANDARD

Model year	Miles per gallon
1978	16.1
1979	14.5
1980	15.8
1981	18.2
1982	18.2
1983	16.9
1984	16.9
1985	16.9

(2) Rolls-Royce Motors, Inc.

AVERAGE FUEL ECONOMY STANDARD

Model year	Miles per gallon
1978	10.7
1979	10.8
1980	11.1
1981	10.7
1982	10.6
1983	9.9
1984	10.0
1985	10.0

(3) Checker Motors Corporation.

AVERAGE FUEL ECONOMY STANDARD

Model year	Miles per gallon
1978	17.6
1979	16.5
1980	18.5
1981	18.3
1982	18.4

(4) Aston Martin Lagonda, Inc.

AVERAGE FUEL ECONOMY STANDARD

Model year	Miles per gallon
1979	11.5
1980	12.1
1981	12.2
1982	12.2
1983	11.3
1984	11.3
1985	11.4

(5) Excalibur Automobile Corporation.

AVERAGE FUEL ECONOMY STANDARD

Model year	Miles per gallon
1978	11.5
1979	11.5
1980	16.2
1981	17.9

AVERAGE FUEL ECONOMY STANDARD—Continued

Model year	Miles per gallon
1982	17.9
1983	16.6
1984	16.6
1985	16.6

* * * * *

NHTSA has analyzed this decision, and determined that Executive Order 12291 does not apply, because this decision does not consitute a "rule" for the purposes of that order. That order defines a "rule" as "an agency statement of general applicability and future effect." This definition of a "rule" is narrower than the one used in the Administrative Procedure Act (5 U.S.C. 551(4)), because the Executive Order excludes agency statements of particular applicability, such as the exemptions and alternative standards established in this action. Had this order been applicable, the agency would have determined that these exemptions are not major.

However, the Department of Transportation regulatory policies and procedures may be applicable to these exemptions. Accordingly, NHTSA prepared a Preliminary Regulatory Evaluation (PRE), which accompanied the NPRM. This PRE analyzed the technical and financial capabilities of these small manufacturers and also addressed the costs and benefits of establishing alternative standards for the petitioning manufacturers. The conclusion of the PRE was that the anticipated costs and benefits were not major or significant and their impact on national energy consumption was negligible. Since the alternate standards are identical to those proposed in the NPRM and Checker—the only company that commented on the NPRM—ceased future production of passenger automobiles, the findings and conclusions of the Preliminary Regulatory Evaluation also apply to the final rule.

The principal impact of these exemptions is to relieve the petitioning low volume manufacturers from having to attempt to achieve fuel economy levels beyond their technical and/or financial capability. Since this decision sets alternative standards at the levels determined to be the maximum feasible for each manufacturer, no fuel could be saved by setting higher standards. The public at large will be affected minimally, if at all, by these exemptions.

The agency has considered the environmental implications of this

decision in accordance with the National Environmental Policy Act of 1969 and determined that this rule will not significantly affect the human environment. Regardless of the fuel economy of a vehicle, it must pass the emissions standards which measure the amount of emissions per mile traveled. Thus, the quality of the air will not be affected by these exemptions and alternative standards. Further, since these vehicles cannot achieve greater fuel economy than these alternative standards, these exemptions will not effect the amount of oil available.

Since the Regulatory Flexibility Act may apply to a notice exempting individual manufacturers from generally applicable standards, NHTSA certifies that each of these exemptions will not have a significant economic impact on a substantial number of small entities. This decision does not impose any additional burdens on the exempted manufacturers. Small organizations and small governmental jurisdictions are believed not to be purchasers of these cars. Even if they were, this decision does not increase the price of those cars, so the purchases would not be affected.

(Sec. 9, Pub. L. 89-670, 80 Stat. 981 (49 U.S.C. 1657); sec. 301, Pub. L. 94-163, 89 Stat. 901 (15 U.S.C. 2002); delegation of authority at 49 CFR 1.50)

Issued on December 3, 1982.

Raymond A Peck, Jr.,

Administrator.

[FR Doc. 82-33733 Filed 12-10-82; 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 55 (Sub-No. 55)]

Revision and Redesignation of Rules of Practice; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Final rules; correction.

SUMMARY: At 47 FR 49534, November 1, 1982 as corrected at 47 FR 54081, December 1, 1982, the Commission published rules revising and redesignating all of its procedural regulations governing the conduct of formal cases which come before it for decision. Both documents contained inadvertent errors which this document corrects, as set forth below.

FOR FURTHER INFORMATION CONTACT:

James H. Bayne, 202 275-7429

or

Kathleen M. King, 202 275-0976.

SUPPLEMENTARY INFORMATION: Title 49 of the CFR is amended by correcting Nos. (28) and (29) in the document (FR 82-32841) published at 47 FR 54081-54083 as follows:

PART 1011—COMMISSION ORGANIZATION; DELEGATIONS OF AUTHORITY

* * * * *

(28) Amendatory instruction (272) on page 49597 and page 54083 is corrected to read as follows:

(272) In § 1011.7, the words "Rule 95 of the general rules of practice" and the parentheses that surround "49 CFR 1113.2," in paragraph (e) are removed.

PART 1012—MEETINGS OF THE COMMISSION

* * * * *

(29) Amendatory instruction (260) on page 49596 and page 54083 is corrected to read as follows:

(260) Part 1012 is amended by replacing the reference in the left-hand column with the reference in the right-hand column wherever it appears.

Old Reference	*New Reference*
49 CFR 1100.98	49 CFR Part 1115

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-33635 Filed 12-10-82; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 47, No. 239
Monday, December 13, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 82-AAL-12]

Proposed Designation of Transition Area; Shishmaref, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish a 700-foot transition area in the vicinity of Shishmaref, AK. A nondirectional radio beacon (NDB) has been installed at Shishmaref and two public instrument approach procedures have been developed using this navigation aid. The proposed transition area will provide controlled airspace from 700 feet above the surface for the approach, departure, missed approach, and holding procedures.

DATES: Comments must be received on or before January 12, 1983.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Alaskan Region, Attention: Manager, Air Traffic Division, Docket No. 82-AAL-12, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, AK 99513.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Bill Hill, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8783.

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 specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket 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. 82-AAL-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 proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted 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 FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of the NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700-foot transition area in the vicinity of Shishmaref, AK. An NDB has been installed at Shishmaref and two instrument approach procedures developed. This proposed transition area will provide controlled airspace from 700 feet above the surface in conjunction with the instrument approaches, as well as IFR departures, missed approaches and holding procedures. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3 dated January 29, 1982.

ICAO Considerations

As part of this proposal relates to navigable airspace outside the United States, this notice is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of, and Annex 11 to, the Convention of International Civil Aviation, which pertains to the establishment of air navigational facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to ensure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic service over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil

Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator is consulting 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

Transition areas, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

§ 71.181 [Amended]

Shishmaref, AK [New]

By adding "The airspace extending upward from 700 feet above the surface within 4.5 miles east and 9.5 miles west of the Shishmaref NDB (lat. 66°15'30"N., long. 166°03'12"W.) 336°T(320°M) bearing extending from the NDB to 18.5 miles north and within 5 miles west and 10 miles east of the NDB 186°T(170°M) and 006°T(350°M) bearings extending from 8 miles north to 18.5 miles south."

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510); Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—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. It, therefoe: (1) Is not a "major rule" under Executive Order 12291; (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.

Issued in Washington, D.C., on December 3, 1982.

B. Keith Potts,

Manager, Airspace and Air Traffic Rules Division.

[FR Doc. 82-33707 Filed 12-10-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 75

[Airspace Docket No. 82-ANM-18]

Proposed Alteration of Jet Route

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to extend Jet Route J-143 from Point Reyes, CA, to Eugene, OR, via Roseburg, OR. The extension of J-143 would provide an additional route to improve traffic flow into the Seattle, WA, terminal area. Also, this alteration to J-143 would reduce the necessity for long radar vectors and would aid flight planning.

DATE: Comments must be received on or before January 12, 1983.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Northwest Mountain Region, Attention: Manager, Air Traffic Division, Docket No. 82-ANM-18, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, WA 98108.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

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 specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket 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. 82-ANM-18." 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 proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted 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 FAA personnel concerned with this rulemaking will be filed in the docket.

Availability Of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to extend J-143 from Point Reys, CA, to Eugene, OR. A preferred, parallel route to Jet Route J-1 is required to allow an orderly flow of traffic between Seattle, WA, and points in California, and improve traffic flow in the Seattle terminal area. This action would improve traffic flow, aid flight planning, and decrease controller workload. Section 75.100 of Part 75 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3 dated January 29, 1982.

List of Subjects in 14 CFR Part 75

Jet routes.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as follows:

J-143 [Revised]

Jet Route No. 143 From Point Reyes, CA, via Roseburg, OR; Eugene, OR; The Dalles, OR; to Spokane, WA.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—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. It, therefore—(1) is not a "major rule" under Executive Order 12291; (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.

Issued in Washington, D.C., on December 3, 1982.

John W. Baier,

Acting Manager, Airspace and Air Traffic Rules Division.

[FR Doc. 82-33706 Filed 12-10-82; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 860 and 866

[Docket No. R-82-1020]

Public Housing; Lease Requirements, Eviction, and Hearings

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Proposed rule.

SUMMARY: The Department is proposing to amend the regulations for the Public Housing Program under the United States Housing Act of 1937 to: (1) simplify the requirements for provisions included in the lease between a Public Housing Agency (PHA) and its tenants; (2) limit the requirement for the PHA to provide an opportunity for an informal hearing to cases involving a denial of admission or PHA determinations of income or rent of an assisted tenant; and (3) provide that all evictions of a tenant must be carried out through State or local judicial process, and that termination of tenancy must be based on violation of the lease or of Federal, State or local law, or other good cause.

DATE: Comments due February 11, 1983.

ADDRESS: Interested persons are invited to submit written comments on or before the due date to the Rules Docket Clerk, Office of General Counsel, Room 10278, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. Each comment should include the commentor's name and address and must refer to the title and docket number indicated in the heading of this rule. A copy of each comment will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Edward Whipple, Office of Public Housing, Room 6236, Department of Housing and Urban development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 426-0744. This is not a toll-free telephone number.

SUPPLEMENTARY INFORMATION:

Background

In February 1971, HUD issued to all public housing agencies operating low-rent public housing under the United States Housing Act of 1937 circulars Nos. RHM 7465.8, "Requirements and Recommendations to be Reflected in Tenant Dwelling Leases to Low-Rent Public Housing Projects", and RHM 7465.9, "Grievance Procedure in Low-Rent Public Housing Projects".

In June 1973, the Department announced a "review and evaluation" of the circulars (38 FR 15988). On November 6, 1974, the Department published two proposed rules, on setting forth dwelling lease procedures and requirements and the other stating grievance procedures and requirements (39 FR 39285, 39287). Following public comment, final rules were published on August 7, 1975, adopting Subparts A and B of 24 CFR Part 866 (40 FR 33402, 33406).

These rules, and particularly the interplay of the grievance procedure requirements with eviction proceedings, evoked sharp controversy during their formulation and adoption and have continued to do so subsequently. The Department published a proposed rule in August 1980 intended to address certain particular problems in the eviction context, but public comment confirmed that the proposal clearly failed in its stated purpose and satisfied neither tenants nor public housing agencies.

On August 12, 1981, the Presidential Task Force on Regulatory Relief, chaired by Vice President Bush, designated Part 866, Lease and Grievance Procedures, for review under Executive Order 12291. In its announcement, the Task Force commented:

> These rules establish compliance procedures that must be incorporated in leases by local public housing authorities (PHAs) assisted by HUD. Not only do they often duplicate and sometimes exceed State and local ordinances, they tend to make it difficult for PHAs to protect the health and safety of tenants. For example, PHAs claim that disruptive tenants that violate their leases, vandalize housing and prey upon other tenants can avoid for months effective remedial actions by the PHA. Reforming these requirements could benefit tenants, PHAs and deserving families seeking public housing.

The Department proposes to revise its regulatory requirements regarding leases utilized by public housing agencies and regarding grievance or other informal hearing requirements, including those provided for applicants. In general, consistent with the policy mandate of the United States Housing Act to "vest in local public housing agencies the maximum amount of responsibility in the administration of their housing programs" (Section 2, United States Housing Act of 1937 (42 U.S.C. 1437)), the Department believes that the landlord-tenant relationship between PHAa and their tenants should be left to arrangements made by those parties, developed under local conditions, except only to the extent that Federal prescription is required by clear program or due process imperatives. The proposed regulation would substantially reduce Federal prescription of the contents of the lease, although retaining the existing enumeration of prohibited lease terms. It would define specific types of PHA actions affecting an applicant or tenant for which an opportunity for informal hearing is required, while permitting PHAs to adopt their own procedures deemed appropriate to different circumstances, taking into account enumerated elements of a fair hearing. The mandatory requirement for grievance procedures in other matters disputed by tenants is eliminated, but PHAs are permitted to provide additional means for tenant comment upon matters pertaining to the tenant's occupancy or rights and obligations arising therefrom, or for informal clarification and resolution of disputes or potential disputes. In the eviction

context, the Department proposes to eliminate existing requirements (subject to limited exceptions; see § 860.208(a)(2)) for an administrative grievance hearing before eviction because due process requirements are satisfied in State eviction proceedings.

Lease Requirements

The scope of Subpart A of Part 866, as proposed to be revised, is essentially the same as currently, except that current requirements that tenants be permitted 30 days to comment on proposed lease changes (§ 866.3) and on fee schedules, rules and regulations (§ 866.5) are eliminated. The enumeration of provisions required to be included in the lease has been reduced to cover only such provisions as the Department considers directly related to overriding program interests and requirements (e.g., rent and other charges, rent redeterminations, PHA and tenant obligations regarding maintenance of the physical and social environment of the project).

The enumeration of provisions which are prohibited from being included in leases is retained in its entirety (proposed § 866.3). The eight enumerated types of lease clauses deemed unreasonable are the same as those listed in other Departmental program regulations (see, e.g., Section 8 regulations at 24 CFR Part 882, Appendix II; § 883.707(b)(2)) and recently extended to certain subsidized FHA multifamily insurance programs in response to the requirements of Section 202(b)(3) of the Housing and Community Development Amendment of 1978 (12 U.S.C. 1715–1b(b)(3)) (see interim rule published at 47 FR 31868 (July 23, 1982)). The Department notes, however, that no statutory mandate similar to Section 202 exists with respect to the public housing program, and the degree of Federal determination of landlord-tenant relationships which is directed by Section 202 for FHA-related multifamily programs may be considered inconsistent with the maximum local responsibility directed by the public housing program statute. In addition, there have been significant developments in State law regarding unreasonable or "unconscionable" lease provisions since the initial promulgation of these prohibitions by the Department. Accordingly, the Department specifically invites comment on the propriety or necessity of retaining its regulatory prohibitions in this area, as well as on the specific prohibitions listed.

Eviction

Subpart B of HUD's existing Part 866 regulation consists of detailed requirements for a grievance procedure to be established and implemented by PHAs if a tenant disputes "any PHS action or failure to act involving the tenant's lease with the PHA or PHA regulations which adversely affect the individual tenant's rights, duties, welfare or status" (§ 866.50). These administrative grievance requirements are applicable specifically (subject to the limited exception noted below) to any tenant complaint regarding a notice of termination of tenancy. If the tenant requests a grievance hearing, the PHA is barred from commencing a State court eviction proceeding until the PHA's action to terminate the tenancy is upheld by the hearing officer or panel. The current regulation further provides that the PHA may serve the notice to evict which normally is required for commencement of a State court eviction proceeding only after the decision of the hearing officer or panel has been mailed or delivered to the tenant (§ 866.58).

The Department's proposed rule published in 1974 would have permitted PHAs to exclude from the administrative grievance procedures tenant grievances or complaints concerning PHA termination of occupancy and eviction actions for non-payment of rent in those jurisdictions which provide for a due process trial on the merits in eviction cases. In the final rule published in 1975, this exclusion was limited to terminations of tenancy or evictions "based upon the tenant's creation or maintenance of a threat to the health or safety of other tenants or PHA employees." The elimination of the previously proposed exclusion of terminations and evictions based on non-payment of rent was justified "on the grounds that PHAs are adequately protected by the provision requiring tenants to pay rent into an escrow account in order to utilize the grievance procedures" (40 FR 33406). The exclusion is contained in § 866.51 of the existing regulation.

The Department now proposes to eliminate the requirement for the PHA to give the tenant an administrative grievance hearing on a termination of tenancy.

The proposed regulatory change is in accord with current regulatory requirements for other HUD-subsidized housing (see, e.g., 24 CFR Part 450 for FHA subsidized projects, and § 880.607 for Section 8 new construction). Elimination of this requirement is also consistent with a growing body of judicial decisions holding that due process requirements are satisfied by State judicial proceedings. In *Thorpe* v. *Housing Authority of the City of Durham*, 393 U.S. 268, 284 (1969), the Supreme Court observed that even if a housing authority does not provide an eviction hearing that comports with the requirements of due process, "we have no reason to believe that once [tenant] is told the reasons for her eviction she cannot effectively challenge their legal sufficiency in whatever eviction proceedings may be brought in the [State] courts." Subsequently, in *Joy* v. *Daniels*, 479 F. 2d 1236, 1243 (1973), the Fourth Circuit held that in "quasi-public" housing:

> a prior administrative hearing is not required so long as the tenant may at some stage receive a plenary judicial hearing * * * Landlord tenant law is traditionally the province of the states. State judges are bound as are we by the due process clause of the fourteenth amendment.

Closely interrelated with the sufficiency of State procedures for due process purposes are the substantive standards for eviction under the lease. The current regulation provides that the PHA may not terminate or refuse to renew the lease other than for serious or repeated violation of material terms of the lease, or for other good cause (§ 866.4(*1*)(1)). Under the proposed rule, the PHA may not terminate or refuse to renew except for serious or repeated violation of the lease, violation of applicable Federal, State or local law or other good cause (proposed § 866.13(a)). These allowable bases for eviction (which are based upon recent statutory standards applicable to the Section 8 Existing Housing program, see Section 8(d)(1)(B)(ii), United States Housing Act of 1937, 42 U.S.C. 1437f(d)(1)(B)(ii) must be stated in the lease (see proposed §§ 866.2(i), 866.10)). The State court will therefore determine in the eviction proceeding whether there is cause for eviction in accordance with the lease. As noted in a recent case:

> The eviction proceeding in state court must be brought, if at all, for cause. That proceeding will provide the tenant with all the process that is due. A hearing before the housing agency therefore is not constitutionally required.
>
> (*Swann* v. *Gastonia Housing Authority*, 4th Cir., No. 81–1439, April 8, 1982)

Dispossession of the tenant from the leased unit is the most serious action by the PHA affecting the interest of a tenant family. To contest eviction from the unit, the family should have access to the State court as the best and most impartial forum for determination of the tenant's rights under the lease, including

the right to renewal of the lease unless there is good cause for a nonrenewal. To assure that this forum is not denied, the regulation would for the first time provide that evictions must be carried out "through State and local court process" (§ 866.11). For this purpose, eviction would be defined as a "dispossession of the tenant from the unit pursuant to State or local court action" (§ 866.12.). The proposal would also continue the prohibition contained in the existing regulation against lease clauses in which the tenant agrees "to allow eviction without a court determination" (§ 866.3(e)). Through these provisions, the regulation would preclude the use of a PHA of non-judicial process for eviction of a tenant, even if self-help evictions are permitted under State law.

The proposed regulation would also continue prohibitions against inclusion in tenant leases of types of provisions which would prevent the tenant from receiving a fair hearing in the State court eviction proceeding: consent by tenant to admit guilt or accept judgment favoring the PHA; agreement to waive notices in connection with a lawsuit; authorization by tenant allowing PHA's lawyer to appear for the tenant and waive the tenant's right to a jury trial; waiver of tenant's right to appeal (§ 866.3).

Under the proposed rule, Subpart B of Part 866 would establish simple procedures for notification by the PHA to the tenant that the tenancy is terminated. The regulation would provide that the PHA must give the tenant a written notice of termination, stating the date the tenancy will terminate (§ 866.13(b)(1)). The notice must state the reasons for termination with enough specificity to enable the tenant to prepare a defense, advising tenant of the opportunity to present a defense in the judicial eviction proceeding (§ 866.13(b)(2)). The termination will be effective in accordance with the lease and State law in a termination for violation of the lease or a law, including a termination for non-payment of rent, and thirty days after service in a termination for other good cause (§ 866.13(b)(1)). (The current regulation requires 14 days notice in cases of nonpayment of rent in order to permit the tenant to request, and prepare for, the administrative grievance hearing. Elimination of the administrative hearing removes the necessity of any prescribed minimum notice periods for terminations in accordance with the lease or due to violations of law.) A notice to evict which is issued pursuant to State or local law or is common practice in the locality may run concurrently with the notice of termination required herein. (§ 866.13(c)).

(On August 4, 1980, the Department published a proposed rule (45 FR 51615) providing that, in a termination for non-payment of rent, the notice of termination required by the regulation may run concurrently with any notice required under State law. The present proposal contains a more comprehensive solution to problems relating to the relationship of the administrative grievance proceeding to State eviction proceedings, and the prior proposed rule is therefore withdrawn.)

Delays in eviction caused by the existing requirement of providing two independent due process hearings result in important financial losses to PHAs for nonpayment of rent, for damage to the housing, and for costs to operate the cumbersome grievance machinery. The requirement for an administrative grievance hearing prior to commencement of State eviction proceedings appears to impede compliance with the statutory requirement that PHAs establish "satisfactory procedures designed to assure the prompt payment and collection of rents and the prompt processing of evictions in the case of nonpayment of rent" (Section 6(c)(4)(B), United States Housing Act of 1937, 42 U.S.C. 1437d(c)(4)(B)).

Informal Hearings

While eviction is indisputably the most serious action which a PHA may proposed affecting the interest of a tenant family, the opportunity for some kind of informal hearing providing elements of due process may also be required in the context of other actions affecting important interests of tenants or of applicants for assistance. In the case of applicants, Section 6(c)(3)(i) of the United States Housing Act of 1937 (42 U.S.C. 1437d(c)(3)(i)) provides that, where the PHA determines that an applicant is ineligible for admission to a Public Housing project, the PHA must "provide the applicant upon request, within a reasonable time after the determination is made, with an opportunity for an informal hearing on such determination." This statutory hearing requirement for applicants is stated in existing regulations at 24 CFR § 860.207(a), separately from the grievance hearing requirements for tenants in occupancy provided in Part 866, Subpart B.

The Department now proposes to combine, in a new § 860.208, all provisions regarding required informal administrative hearings for applicants and for tenants in occupancy. The actions subject to the hearing requirement are key determinations by the PHA affecting important practical interests of an applicant or tenant. Proposed § 860.208 would require the PHA to provide an opportunity for an informal hearing (1) to an applicant determined to be ineligible for admission to public housing or to whom listing on the PHA waiting list is denied on the basis of PHA selection criteria, and (2) to a tenant family in occupancy desiring to challenge the PHA's initial determination or redetermination of income or determination of rent resulting from such determination.

For the limited categories subject to the informal hearing requirement, the family would have a right to a hearing only on PHA determinations of fact or law relating to the "individual circumstances" of the applicant or tenant family (§ 860.208(b)(1)). The hearing procedure would not be available to consider "a factor generally applicable to families participating in the PHA's Public Housing program, or to families in such program who are similarly situated" (§ 860.208(b)(3)). The PHA also would not be required to provide an informal hearing "to consider a challenge to discretionary administrative determinations by the PHA, or to consider general policy issues, class grievances or grievances between tenants not involving the PHA" (§ 860.208(b)(2)).

The foregoing regulatory provisions defining the limitations on the hearing right are intended to reflect a balance between the functions of a hearing officer, and functions which should be left to the management judgment of the PHA. These provisions are a refinement of limitations stated in the present lease and grievance regulation (see §§ 866.50, 866.51).

The present grievance procedure requirements in Part 866, Subpart B, regulate in considerable detail the incidents of the PHA grievance procedure (see §§ 866.54 to 866.57). The Department believes that PHAs should be allowed a broad discretion in the design of the fair hearing procedure in response to local conditions. Proposed § 860.208(d) would therefore permit PHAs to adopt and publish hearing procedures which contain appropriate variations depending on the nature and relative seriousness of the subject matter and the importance of the private interest affected in a particular instance. The proposed rule specifies, for example, that a PHA may adopt different procedures for applicants from those adopted for tenants in occupancy

currently receiving benefits. The Department notes that its present regulation does not prescribe any particular requirements for the "informal hearing" provided for applicants (§ 860.207(a)). The Department is unaware of any complaints that hearing opportunities currently provided by PHAs pursuant to this regulation are inadequate and does not intend that the proposed rule will compel changes in such existing procedures. The legislative history of the statutory requirement that the PHA provide an informal hearing for applicants determined ineligible for admission strongly indicates that the Congress did not intend to impose an elaborate hearing requirement. The provision was enacted in the Housing and Urban Development Act of 1969, and originated in the bill reported out by the Senate Banking Committee, and passed by the Senate, requiring the PHA to afford a "hearing" to an applicant determined ineligible for admission. In reporting out this bill, the Senate Committee states that:

> The provision for a hearing is not intended to require a formal hearing, which would impose a burdensome procedure on local housing agencies, but rather that the applicant be given an opportunity to be heard by an officer or employee of the agency other than the person who made the determination of ineligibility. Of course, the right of any rejected applicant to a public housing project to seek judicial review, either prior to or after a hearing, would not be affected by this section.
> (Report 91–392 on S. 2864, p. 17)

The Senate bill was then amended by the Conferees to provide that the hearing afforded to applicants is only an "informal" hearing. The Conference Report states that the amendment is intended to assure that the hearings for applicants "will be informal in nature" (Report 91–740 on S. 2864, p. 32).

The Department does intend, however, that informal hearing procedures adopted by a PHA will satisfy the basic requirements of a fair hearing as they may be invoked in different contexts. (For a discussion of factors that may be considered to be elements of a fair hearing in different circumstances, including factors suggesting greater or less judicialization of the procedures, see generally Friendly, "Some Kind of Hearing," 123 U. PA. L. Rev. 1267 (1975).) The proposed regulations therefore require that, in determining hearing procedures to be provided in different circumstances, the PHA shall give due consideration to the following enumerated elements: the need for an unbiased tribunal (whether an individual or a panel); the manner in which the PHA will be required to present the factual or other basis for its decision, and the manner and extent to which the family will be permitted to examine evidence and examine and question witnesses; the manner in which the family will be permitted to present reasons why the proposed action should bot be taken, including whether the presentation may be oral or written; the extent to which the tribunal's decision must be based on evidence presented in the hearing proceeding, and the extent to which decision of some factual matters and other matters may be based on the tribunal's own knowledge and experience; whether, or under what circumstances, the family may be represented by a lawyer or other representative; whether the tribunal will issue a written statement of the factual or other reasons for its decision, in which event a copy of the decision will be furnished promptly to the family affected; and whether, or the circumstances under which, further review of the tribunal's decision will be available, and the effect or weight to be given to the tribunal's decision in such subsequent review.

Notification of the availability and format of the PHA's adopted procedures is required to be communicated to applicants and tenants.

Additional Grievance Procedures

Under the proposed rule, the PHA would not be required to make available an administrative hearing procedure for miscellaneous disputes between the PHA and its tenants arising in day-by-day operation of the housing project. Apart from the questionable advisability of HUD intrusion into tenant-management relations where interests warranting due process protection are not involved, the possibility of individual benefit from the availability of an administrative hearing procedure must be weighed against the cost and diversion of the PHA's administrative energies. Te application of PHA operating resources to the requirements of a hearing system in practice reduces the resources that could be used to benefit the tenants in other ways, for example, for maintenance of the housing. Because all PHA funds must be used for the benefit of the project, and since PHAs do not have sufficient resources for operation of their projects, there is a very real choice between the elaboration of procedural protections for the tenants, and other benefits for the tenants. The indiscriminate availability of the grievance proicedure for almost any perceived dispute with PHA management under the current regulation would indeed "mandate costly factfinding procedures that would dissipate resources that could have been spent on the needy" (*Schweiker* v. *Gray Panthers*, 453 U.S. 34, 48 (1981)).

At the same time, the Department does not intend to prohibit or discourage PHAs from utilizing in various circumstances such dispute resolution mechanisms as their experience may have indicated to be useful. Accordingly, a new Subpart C would be added to Part 866, stating explicitly the right of the PHA to establish additional, locally devised procedures to resolve or avoid disputes or potential disputes between management and the tenants. Section 866.20 would authorize PHAs, at their discretion, to "provide additional means for tenant opportunity to comment upon any matter pertaining to the tenant's occupancy or the tenant's rights or obligations arising therefrom, or to respond to any matters relating to the foregoing that are raised by the PHA." Such additional means may or may not be similar to the informal hearing procedures adopted pursuant to proposed Section 860.208, and may, if the PHA so determines, be utilized prior to institution of tenant eviction procedures. If adopted, notice of the availability of such procedures is required to be communicated to the tenants.

Other Matters

The Department has determined that this proposed rule does not constitute a "major rule" as defined in Executive Order 12291. Analysis of the proposed rule indicates that it will not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implements Section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the office of the Rules Docket Clerk, at the address listed above.

Pursuant to Section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*), the undersigned hereby certifies that this rule would not have a

significant economic impact on a substantial number of small entities.

The Department's review of 24 CFR Part 866 was listed as Item D) 18 (H–72–81) under the Office of Housing in the Department's Semiannual Agenda of Regulations published August 17, 1981 (46 FR 41708), pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program number and title is 14.146, Low Income Housing—Assistance Program (Public Housing).

List of Subjects in 24 CFR Parts 860 and 866

Public housing.

Accordingly, the Department proposes to amend 24 CFR Parts 860 and 866 as follows:

PART 866—LEASE AND GRIEVANCE PROCEDURES

1. Part 866 is re-titled and revised to read as follows:

PART 866—LEASE, EVICTION AND GRIEVANCE PROCEDURES

Subpart A—Dwelling Lease Requirements

Sec.
866.1 Applicability and scope.
866.2 Lease requirements.
866.3 Prohibited lease provisions.

Subpart B—Termination of Tenancy and Eviction

866.10 Purpose and scope.
866.11 Applicability.
866.12 Definitions.
866.13 Termination of the lease.

Subpart C—Additional Grievance Procedures

866.20 Additional procedures.

Authority: Section 6(c), United States Housing Act of 1937, 42 U.S.C. 1437d; Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Subpart A—Dwelling Lease Requirements

§ 866.1 Applicability and scope.

This Part 866 is applicable to leases entered into directly by public housing agencies (PHAs) with tenants for dwelling units assisted under the United States Housing Act of 1937 in public housing projects owned by PHAs, and to certain aspects of the relationship between PHAs and tenants in such projects. This Part is not applicable to Section 23 and Section 10(c) leased housing projects, to the Section 23 Housing Assistance Payments Program, to the Section 8 Housing Assistance Payments Program, to the Turnkey III Homeownership Opportunities Program, to the Mutual Help Homeownership Opportunities Program, or to Indian Housing Authorities.

§ 866.2 Lease requirements.

A lease developed by the PHA in accordance with State and local landlord and tenant law and custom and the requirements of this Subpart shall be entered into between the PHA and each tenant of a dwelling unit. In addition to such other provisions not inconsistent with this Subpart as the PHA may require, the lease shall contain the provisions described hereinafter:

(a) *Identification of parties and premises.* The names of the parties to the lease and the identification of the premises leased shall be set forth, including:

(1) The term of the lease and provisions for renewal, if any;

(2) The members of the household who will reside in the unit.

(b) *Services included in rent, charges for items not included in rent.*

(1) The lease shall specify the maintenance, repair and other services, including utilities and quantities thereof, furnished by the PHA without cost in addition to rent.

(2) The lease shall provide for any charges to tenants in addition to rent for maintenance and repair beyond normal wear and tear and for consumption of excess utilities. The lease shall state the basis for the determination of such charges (e.g., by a posted schedule of charges for repair, amounts charged for utility consumption in excess of the allowance stated in the lease, etc.). The imposition of charges for excess consumption of utilities is permissible only if such charges are determined by an individual check meter servicing the leased unit or result from the use of major tenant-supplied appliances.

(3) At the option of the PHA, the lease may provide for payment of penalties for late payments and for reasonable security deposits consistent with State and local landlord and tenant law.

(4) The lease shall provide that charges assessed under paragraph (b)(2) of this section shall not become due and collectible before the first day of the second month following the month in which the charge is incurred.

(c) *Rent.* The lease shall provide that rent payable by the tenant shall be determined, and shall be subject to redetermination, in accordance with applicable law and HUD regulations and requirements. The lease shall provide for redetermination of rentals, including:

(1) The frequency of regular rental redetermination and the basis for any interim redetermination;

(2) An agreement by the tenant to furnish such information and certifications regarding family composition and income as may be necessary for the PHA to make determinations with respect to rent, eligibility, and the appropriateness for dwelling size;

(3) An agreement by the tenant to transfer to an appropriate size dwelling unit based on family size or composition, upon appropriate notice by the PHA that such a dwelling unit is available.

(d) *Tenant's right to use and occupancy.* The lease shall provide that the tenant shall have the right to exclusive use and occupancy of the leased premises which shall include reasonable accommodation of the tenant's guests or visitors and, with the consent of the PHA, may include care of foster children and live-in care of a member of the tenant's family.

(e) *PHA's obligations.* The lease shall provide that the PHA shall be obligated to comply with the requirements of applicable building and housing codes including any State and local laws or ordinances and HUD or other governmental regulations concerning fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any project and facilities, common areas and dwelling units therein.

(f) *Tenant's obligations.* The lease shall provide that the tenant shall be obligated:

(1) To use the premises solely as the principal residence of the tenant and the tenant's household as identified in the lease, and not to use or permit its use for any other purpose or to assign the lease, sublease the premises, or provide accommodations for boarders or lodgers;

(2) To abide by necessary and reasonable regulations promulgated by the PHA and HUD for the benefit and well-being of the housing project and the tenants, which regulations shall be posted in the project office and incorporated by reference in the lease;

(3) To conduct himself and cause other persons who are on the premises with his consent to conduct themselves in a manner which will not disburb his neighbors' peaceful enjoyment of their accommodations and will be conducive to maintaining the project in a decent, safe and sanitary condition; and to refrain from illegal or other activity which impairs the physical and social environment of the project;

(4) To comply with all obligations imposed upon tenants by applicable

provisions of building and housing codes materially affecting health and safety;

(5) To comply with all obligations imposed upon tenants by any applicable State statute or local ordinance which imposes obligations in connection with the occupancy of a dwelling unit and surrounding premises; and

(6) To comply with all obligations imposed upons tenants by the PHA's lease developed in accordance with this Subpart.

(g) *Tenant maintenance.* The lease may provide that tenants shall perform seasonal maintenance or other maintenance tasks, as specified in the lease, where performance of such tasks by tenants of dwelling units of a similar design and construction is customary; provided, that such provision is included in the lease in good faith and not for the purpose of evading the obligation of the PHA; and provided further, that the PHA shall exempt those tenants whom it determines to be unable to perform such tasks because of age or physical disability.

(h) *Inspections and entry.* The lease shall state any requirements for pre-occupancy or pre-termination inspections by the PHA and tenant and the circumstances under which the PHA may enter the premises during the tenant's possession thereof.

(i) *Notice procedures.* The PHA shall adopt a notice procedure, consistent with HUD regulations and State and local landlord and tenant laws, to be incorporated into the lease, specifying the manner in which the PHA and tenant shall give notice one to the other concerning matters under the lease, and other PHA and tenant obligations. In the case of notice of termination of tenancy, such procedures shall comply with the requirements of § 866.13(b)(2)(iii).

(j) *Termination.* The lease shall incorporate the provisions and procedures adopted pursuant to Subpart B of this Part pertaining to termination of tenancy and eviction.

(k) *Modification of the lease.* Subject to the requirements of this Part, and applicable State and local landlord and tenant laws, the PHA may modify the terms and conditions of the lease, effective at the end of the initial term or a successive term, by serving appropriate notice on the tenant, together with the tender of a revised lease or an addendum revising the existing lease. This notice and tender shall be served on the tenant in accordance with the PHA's notice procedure and must be received by the tenant at least 30 days before the proposed effective date of the modification. However, execution of a revised lease or lease addendum shall not be required as a condition to effecting modifications of (1) provisions regarding redetermination of rent, or (2) provisions regarding charges to tenants in addition to rent, notwithstanding the incorporation of such provisions in the lease as required by paragraph (b) of this section.

§ 866.3 Prohibited lease provisions.

Lease clauses which fall within the classifications listed below shall not be included in any lease between a PHA and a tenant.

(a) *Confession of judgment.* Consent by the tenant to be sued, to admit guilt, or to accept without question any judgment favoring the PHA in a lawsuit brought in connection with the lease.

(b) *Seize or hold property for rent or other charges.* Authorization to the PHA to take property of the tenant and hold it until the tenant meets any obligation which the PHA has determined the tenant has failed to perform.

(c) *Exculpatory clause.* Agreement by the tenant not to hold the PHA or its agents liable for acts done improperly or for failure to act when it was required to do so.

(d) *Waiver of legal notice.* Agreement by the tenant that the PHA need not give any notices in connection with (1) a lawsuit against the tenant for eviction, money damages, or other purpose, or (2) any other action affecting the tenant's rights under the lease.

(e) *Waiver of legal proceedings.* Agreement by the tenant to allow eviction without a court determination.

(f) *Waiver of jury trial.* Authorization by the tenant to allow the PHA's lawyer to appear in court for the tenant and to waive the tenant's right to a trial by jury.

(g) *Waiver of right to appeal court decision.* Authorization to the PHA's lawyer to waive the tenant's right to appeal a decision on the ground of judicial error or to waive the tenant's right to sue to prevent a judgment from being put into effect.

(h) *Tenant chargeable with cost of legal actions regardless of outcome.* Agreement by the tenant to pay attorney's fees or other legal costs whenever the PHA decides to take action against the tenant, even though the court finds in favor of the tenant. However, the prohibition of a clause of this nature in the lease does not mean that the tenant as a party to a lawsuit may not be obligated to pay attorney's fees or other costs if he loses the suit.

Subpart B—Termination of Tenancy and Eviction

§ 866.10 Purpose and scope.

The purpose of this Subpart is to prescribe the procedures which shall be followed by public housing agencies (PHAs) to terminate the occupancy of tenants in dwelling units covered by this Part. The provisions and procedures prescribed by this Subpart shall be incorporated into the dwelling leases prescribed by Subpart A.

§ 866.11 Applicability.

The provisions of this Subpart shall apply to all decisions by a PHA to terminate the occupancy of a public housing tenant. All evictions under this Subpart are to be carried out through State or local court process.

§ 866.12 Definitions.

"Eviction" means the dispossession of the tenant from the leased unit pursuant to State or local court action.

"Tenant" means any lessee or the remaining member of a tenant family residing in a dwelling unit covered by this part.

§ 866.13 Termination of tenancy.

(a) *Grounds.* The PHA shall not terminate the tenancy of a tenant during the term of a lease or refuse to renew the lease except upon the following grounds:

(1) Serious or repeated violation of the terms and conditions of the lease. Subject to the express terms of the lease, non-payment of rent or any other financial obligations due under the lease (including any portion thereof) beyond any grace period permitted by the lease or by the State law will constitute a serious violation of the terms and conditions of the lease.

(2) Violation of applicable Federal, State or local law.

(3) Other good cause.

(b) *Termination notice.* (1) The PHA shall give the tenant a notice of any termination of tenancy, which shall be in writing and shall state the date the tenancy shall terminate.

(i) When termination is based on serious or repeated violation of the terms and conditions of the lease or on violation of applicable Federal, State, or local law, the date of termination shall be in accordance with the terms of the lease or as may be provided by State law.

(ii) When termination is based on other good cause, the date of termination shall be no earlier than 30 days after the tenant's receipt of the notice.

(2) The notice of termination shall: (i) State the reasons for such termination with enough specificity to enable the tenant to prepare a defense.

(ii) Advise the tenant that if a court proceeding for eviction is instituted the tenant may present a defense;

(iii) Be served on the tenant (A) by first class mail, properly stamped and addressed to the tenant at the dwelling unit, or (B) by delivering a copy of the notice at the leased dwelling unit to any person answering the door or, if no person responds, by placing such notice under or through the door, or (C) by such other means adopted by the PHA which are reasonably calculated, under all the circumstances, to apprise the tenant of the pendency of the termination.

(c) *Notice pursuant to State law.* A notice to vacate which is issued pursuant to State or local law or is common practice in the locality may run concurrently with the notice required herein.

(d) *Costs of eviction.* At the option of the PHA or the court and subject to the terms of the lease, where the tenant loses the suit, the tenant may be required to pay the costs associated with eviction which are incurred after the date of termination of the lease.

Subpart C—Additional Grievance Procedures

§ 866.20 Additional procedures.

Informal PHA administrative hearings for tenant grievances concerning certain identified matters are prescribed by § 860.208 of this Chapter. In addition, PHAs, at their discretion, may provide additional means for tenant opportunity to comment upon any matter pertaining to the tenant's occupancy or the tenant's rights or obligations arising therefrom, or to respond to any matters relating to the foregoing that are raised by the PHA. The procedural requirements adopted pursuant to § 860.208 may, but need not, be applicable to such additional procedures, which are to be designed primarily for the purpose of affording an opportunity for informal clarification and resolution of disputes or potential disputes. At the PHA's discretion, such additional procedures may be utilized, in appropriate cases, prior to institution of tenant eviction procedures pursuant to Subpart B of this part. Notice of the availability of such procedures (including identification of the PHA representative with whom initial contact may be made by tenants) shall be communicated to tenants in such manner as the PHA shall deem appropriate, which shall include, in any event, posting in the project office.

PART 860—INCOME LIMITS WITH RESPECT TO ADMISSION TO, AND OCCUPANCY OF, LOW-INCOME HOUSING OWNED BY PUBLIC HOUSING AGENCIES OR LEASED BY PUBLIC HOUSING AGENCIES FROM PRIVATE OWNERS

2. Section 860.207 is revised to read as follows:

§ 860.207 Notification to applicants.

When a determination has been made that an applicant is eligible and satisfies all requirements for admission including the tenant selection criteria, the applicant shall be notified of the approximate date of occupancy insofar as that date can be reasonably determined.

3. A new § 860.208 is added, to read as follows:

§ 860.208 Informal hearings.

(a) *When required.* The PHA shall provide an opportunity for an informal hearing:

(1) To an applicant determined to be ineligible for admission under the requirements of 24 CFR Part 812 or this Part (on the basis of income or Family composition or for any other reason) or to an applicant to whom listing on the PHA waiting list is denied on the basis of other PHA selection criteria; and

(2) To a Family desiring to challenge the PHA's initial determination or redetermination of Family income, or the PHA's computation of Family rent based on such determination or redetermination.

(b) *Limitation on hearing right.* The PHA shall not be required to provide an informal hearing in accordance with paragraph (a):

(1) Except (i) to consider factual determinations by the PHA relating to the individual circumstances of an applicant or Family; or (ii) to consider whether determinations by the PHA relating to the individual circumstances of an applicant or Family are in accordance with law, HUD regulations or PHA rules;

(2) To consider a challenge to discretionary administrative determinations by the PHA, or to consider general policy issues, class grievances or grievances between tenants not involving the PHA;

(3) To consider a challenge to a factor generally applicable to families participating in the PHA's Public Housing program, or to families in such program who are similarly situated (e.g., application of HUD-required admission requirements or rental increases; changes in the Allowance for Utilities and Other Services).

(c) *Notification.* The PHA shall give the applicant or Family prompt written notification of a PHA determination for which the PHA is required to provide an informal hearing in accordance with paragraph (a) of this section, and of the basis for such determination. The notice shall state that the applicant or Family may request an informal hearing and shall specify a reasonable date by which the applicant or Family must request the hearing.

(d) *Hearing procedures.* The PHA shall adopt and publish procedures for the conduct of hearings required by this section. Notification of the availability and format of such procedures (including identification of the PHA representative with whom initial contact shall be made by an applicant or Family) shall be communicated to applicants and to tenants in such manner as the PHA shall deem appropriate, which shall include, in any event, posting in project offices. Hearing procedures may contain appropriate variations depending upon the nature and relative seriousness of the subject matter and the importance of the private interest affected in a particular instance. For example, a PHA may adopt different procedures for applicants from those adopted for current tenants. In determining hearing procedures, the PHA shall give due consideration to the following elements:

(1) *An unbiased tribunal.* If the procedures call for a hearing officer who is a PHA officer or employee, such officer or employee must not have participated in the PHA's original decisions.

(2) *Presentation of basis of decision.* The procedures shall state the manner in which the PHA will be required to present the factual or other basis for its decision, and whether, and the manner and extent to which the applicant or Family will be permitted to examine evidence and examine and question witnesses.

(3) *Opportunity to present reasons why proposed action should not be taken.* The procedures shall specify the manner in which the applicant or Family will be permitted to present reasons why the action proposed by the PHA should not be taken, including whether presentation may be oral or written or both.

(4) *Decision based on evidence.* The procedures shall indicate whether and the extent to which the decision of the tribunal (whether an individual or panel) must be based on evidence presented in the hearing proceeding, and the extent to which decision of some factual matters and other matters may

be based on the tribunal's own knowledge and experience.

(5) *Counsel.* The procedures shall indicate whether, or the circumstances under which, the applicant or Family will be entitled to be represented, at its own expense, by a lawyer or other representative.

(6) *Decision.* The procedures shall indicate whether, or the circumstances under which, the tribunal (whether an individual or panel) will issue a written statement of the factual or other reasons for its decision, in which event a copy of such statement will be furnished promptly to the applicant or Family.

(7) *Review.* The procedures shall indicate whether, or the circumstances under which, further review of the tribunal's decision will be available, and the effect or weight to be given to the tribunal's decision in such subsequent review.

Dated: September 20, 1982.

Philip Abrams,

General Deputy Assistant Secretary for Housing, Deputy Federal Housing Commissioner.

[FR Doc. 82-33791 Filed 12-10-82; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[CC:EE-46-78]

Treatment of Certain Hospital Services; Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the treatment of certain hospital services furnished by a tax exempt hospital to other such hospitals. Changes to the applicable tax law were made by the Tax Reform Act of 1976. The proposed regulations would affect those tax exempt hospitals that furnish the services and would provide the furnishing hospitals with the guidance needed to determine their unrelated business taxable income.

DATES: Written comments and requests for a public hearing must be delivered or mailed by February 8, 1983. The amendments are proposed to be effective for taxable years ending after December 31, 1953.

ADDRESS: Send comments and request for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T:EE-45-78, Washinton, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles K. Kerby, III of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: CC:LR:T:EE-46-78, 202-566-3422, (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 513(e) of the Internal Revenue Code of 1954. These amendments are proposed to conform the regulations to section 1311 of the Tax Reform Act of 1976 (90 Stat. 1729) and are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Explanation of Proposed Regulations

A tax exempt hospital is generally taxed on the income received from any "unrelated trade or business" conducted by the hospital. Under prior law, the furnishing of services by one exempt hospital to another constituted unrelated trade or business. Section 1311 of the Act provides, in general, that the term "unrelated trade or business" does not include the furnishing of certain services by one exempt hospital to another.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably seven copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

Regulatory Flexibility Act

Although this document is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Non-Applicability of Executive Order 12291

The Treasury Department has determined that this regulation is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 28, 1982.

Drafting Information

The principal author of these proposed regulations is Charles K. Kerby, III of the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

List of Subjects in 26 CFR 1.501(a)-1—1.528-10

Income taxes, Exempt organizations, Unrelated trade or business.

Proposed Amendments to the Regulations

26 CFR Part 1 is proposed to be amended by adding the following new § 1.513-6 in the appropriate place:

PART 1—[AMENDED]

§ 1.513-6 Certain hospital services not unrelated trade or business.

(a) *In general.* Under section 513(e), the furnishing of a service listed in section 501(e)(1)(A) by a hospital to one or more other hospitals will not constitute unrelated trade or business if—

(1) The service is provided solely to hospitals that have facilities to serve not more than 100 inpatients,

(2) The service would, if performed by the recipient hospital, constitute an activity consistent with that hospital's exempt purposes, and

(3) The service is provided at a fee not in excess of actual cost, including straight line depreciation and a reasonable rate of return on the capital goods used to provide the service. For purposes of this section, a rate of return on capital goods will be considered "reasonable" provided that it does not exceed, on an annual basis, a percentage equal to one and one-half times the average of the rates of interest on special issues of public debt obligations issued to the Federal Hospital Insurance Trust Fund for each of the months included in the taxable year of the hospital during which the capital goods are used in providing the service. Determinations as to the cost of

services and the applicable rate of return should be made as prescribed by 42 U.S.C. 1395x(v)(1) (A) and (B) and the regulations thereunder (permitting a health care facility to be reimbursed under the Medicare program for the "reasonable cost of [its] services," including, in the case of certain proprietary facilities, a "reasonable return on equity capital").

(b) *Hospital defined.* As used in this section the word "hospital" means a hospital described in section 170 (b)(1)(A)(iii).

(c) *Example.* The provisions of this section are illustrated by the following example:

Example. A large metropolitan hospital provides various services to other hospitals. The hospital furnishes a purchasing service to hospitals N and O, a data processing service to hospitals R and S, and a food service to hospitals X and Y. All the hospitals are described in section 170 (b)(1)(A)(iii). All the hospitals have facilities to serve not more than 100 inpatients except hospital N. The services are furnished at cost to all hospitals except that hospital R is charged a fee in excess of cost for its use of the data processing service. The purchasing service constitutes unrelated trade or business because it is not provided solely to hospitals having facilities to serve not more than 100 inpatients.

The data processing service constitutes unrelated trade or business because it is provided at a fee in excess of cost. The food service satisfies all three requirements of paragraph (a) of this section and does not constitute unrelated trade or business.

(d) *Effective date.* Section 513(e) and this section apply to taxable years beginning after December 31, 1953.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 82-33769 Filed 12-10-82; 8:45 am]

BILLING CODE 4830-01-M

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26 CFR Part 1

[LR-183-76]

Disallowance of Certain Items as Deductions for Estate and Income Tax Purposes; Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the disallowance of certain items as deductions from the gross estate for estate tax purposes and from gross income for income tax purposes. This document also contains proposed regulations disallowing items such as selling expenses to offset the sales price of property (for income tax purposes) if these items are deducted for estate tax purposes. Changes to the applicable tax law were made by the Act of October 4, 1966, and the Tax Reform Act of 1976. The regulations would provide the public with the guidance needed to comply with these acts and would affect executors or administrators of estates of decedents who die after the effective dates of these acts.

DATES: Written comments and requests for a public hearing must be delivered or mailed by February 11, 1983. The amendments are proposed to be generally effective for taxable years beginning after December 31, 1953 and ending after August 16, 1954.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-183-76), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Neil W. Zyskind of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T, 202-566-3289, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 642(g) of the Internal Revenue Code of 1954 (Code). These amendments are proposed to conform the regulations to section 2 of the Act of October 4, 1966 (Pub. L. 89-621, 80 Stat. 872) and section 2009(d) of the Tax Reform Act of 1976 (Pub. L. 94-455, 90 Stat. 1896) and are to be issued under the authority contained in sections 642(g) and 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Act of October 4, 1966

Generally, under prior law estates were prohibited from claiming an item as an income tax deduction of the estate if that same item was deducted in computing the taxable estate of a decedent for estate tax purposes. The Act of October 4, 1966, extended to trusts and other persons that same prohibition. Thus, if an estate deducts administration expenses in arriving at the estate tax base, a trust cannot also deduct these same expenses in determining its income tax liability.

Sections 2053, 2054 Deductions Not To Be Used as an Offset Against Sales Price of Property

Section 642(g) of the Code was amended by section 2009(d) of the Tax Reform Act of 1976 in order to overturn the result reached in *Estate of V. E. Bray* v. *Commissioner*, 396 F 2d 452 (6th Cir. 1968). In *Bray*, the Court of Appeals for the Sixth Circuit upheld a taxpayer's right to have selling expenses reduce the amount realized on the sale of property by an estate or trust even though these same selling expenses were deducted from the gross estate for estate tax purposes. The selling expenses were treated as an "offset" against the sales price of the property for income tax purposes. The provision overturning the *Bray* case is in § 1.642(g)-1(a) of the proposed regulations. An offset expense is defined in § 1.642(g)-1(b).

Requirement That Statement Be Filed

A second problem addressed in the proposed regulations is the situation in which taxpayers have failed to file the waiver required by section 642(g) and have simply deducted the same item from the gross estate for estate tax purposes and from the income of the estate for income tax purposes.

In a similar situation, taxpayers have claimed an administration expense or loss deduction under section 2053 or 2054 on Form 706 and then, a short time before the statutory period for assessment of the estate tax has expired, the estate claims the same deduction under section 642 for income tax purposes and files the required section 642(g) waiver.

In order to eliminate this abuse, the proposed regulations state specifically when the required waiver statement under section 642(g) must be filed and what the statement must say.

Revision in § 1.642(g)-2

Section 1.642(g)-2 has been revised for stylistic purposes.

Regulatory Flexibility Act and Executive Order 12291

The Commissioner of Internal Revenue has determined that this proposed rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required. Although this document is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably seven copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

Drafting Information

The principal author of these proposed regulations is Neil W. Zyskind of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

List of Subjects in 26 CFR 1.641–1.692–1

Income taxes, Estates, Trusts and trustees, Beneficiaries.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Part 1 are as follows:

PART 1—[AMENDED]

Paragraph 1. Section 1.642(g)–1 is revised to read as follows:

§ 1.642(g)–1 Disallowance of double deductions.

(a) *In general.* (1) This section provides rules concerning the allowance of certain items as deductions in computing the taxable income of the estate of a decedent or any other person. These are items allowable under section 2053(a)(2) (relating to administration expenses) or under section 2054 (relating to losses during administration) as deductions in computing the taxable estate of a decedent. These items are not allowed as deductions in computing the taxable income of the estate or any other person or as an offset against the sales price of property (as defined in paragraph (b) of this section) in determining gain or loss unless a statement as set forth in paragraph (a)(2) of this section is filed.

(2) The statement must list the items to be claimed as income tax deductions or offset expenses and must state that the items have not been claimed as deductions on the estate tax return and will not be entered as deductions on the estate tax return (if it is yet to be filed). The statement must also state that the estate waives the right to have such items allowed at any time as deductions under section 2053 or 2054. The statement must be signed by the executor of the decedent's estate. The statement should be filed with the income tax return for the year for which the items are claimed as deductions or offset expenses. Alternatively, the statement may be filed with the Internal Revenue office with which the income tax return was filed for association with the return. If the item has been used to reduce the estate tax, the statement should be filed not later than 180 days prior to the expiration of the statutory period of limitations upon assessment and collection of the estate tax. If the estate has claimed the deduction for an item for estate tax purposes under section 2053 or 2054 and the waiver is not filed at least 180 days prior to such expiration, then that same item may not be claimed by any taxpayer as a deduction for income tax purposes unless and until the item is disallowed (or is no longer claimed) as a deduction under sections 2053 or 2054, and any resulting deficiency has been timely assessed.

(3) After a statement is filed under section 642(g) with respect to a particular item or portion of an item, the item will not be allowed as a deduction for estate tax purposes because the waiver operates as a relinquishment of the right to have the deduction allowed at any time under section 2053 or 2054.

(b) *Offset expenses.* For purposes of this section, "offset against the sales price of property" includes any expense incurred in the sale of property, such as brokers' commissions, attorneys' fees, or filing fees.

(c) *Effective dates.* (1) Generally, this section applies to taxable years beginning after December 31, 1953, and ending after August 16, 1954.

(2) This section applies to taxpayers, other than estates of decendents, only (i) for taxable years ending after October 4, 1966, and (ii) as to amounts paid or incurred, and losses sustained, after October 4, 1966.

(3) This section applies to offset expenses, described in paragraph (b), for taxable years ending after October 4, 1976.

(4) The provisions of paragraph (a)(2) of this section, relating to the statement being filed not later than 180 days prior to the expiration of the statutory period of limitations, applies with respect to estates of decedents dying after December 31, 1981.

Par. 2. Section 1.642 (g)–2 is revised to read as follows:

§ 1.642 (g)–2 Deductions included.

(a) It is not required that the total deductions, or the total amount of any deduction, to which section 642 (g) relates be treated in the same way. One deduction or portion of a deduction may be allowed for income tax purposes if the appropriate statement is filed, while another deduction or portion is allowed for estate tax purposes.

(b) Section 642 (g) has no application to deductions for taxes, interest, business expenses, and other items accrued at the date of a decedent's death. Those items may be deducted under section 2053 (a)(3) for estate tax purposes as claims against the estate and under section 691 (b) for income tax purposes as deductions from income in respect of a decedent. However, section 642(g) applies to deductions for interest, business expenses, and other items not accrued at the date of the decedent's death.

(c) Although medical, dental, etc. expenses of a decendent that are paid by the estate of the decedent are deductible under section 2053 (a)(3) in determining the value of the taxable estate of the decedent, those expenses are not deductible in computing the taxable income of the estate. See section 213 (d) and the regulations under that section for rules relating to the deductibility of such expenses in computing the taxable income of the decedent.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 82-33770 Filed 12-10-82; 8:45 am]

BILLING CODE 4830-01-M

POSTAL RATE COMMISSION

39 CFR Part 3001

[Docket No. RM83-2]

Data the Postal Service Must Submit When Requesting a Change in Postal Rates; Extension of Time

Issued December 7, 1982.

AGENCY: Postal Rate Commission.

ACTION: Proposed rule; extension of time to file reply comments.

SUMMARY: The Commission is extending the time for filing reply comments on a proposed rule to amend Rule 54 which prescribes the data the Postal Service must submit when it requests a change in postal rates or classification (Docket No. RM83–2, 47 FR 49667–73, November 2, 1982).

DATE: The filing date for reply comments in Docket No. RM83–2 is extended from December 9, 1982, to December 22, 1982.

ADDRESSES: Information regarding this Notice may be obtained from David F. Harris, Secretary of the Commission, 2000 L St., NW., Washington, D.C. 20268 (telephone 202/254–3880).

FOR FURTHER INFORMATION CONTACT: David F. Stover, General Counsel, 2000 L St., NW., Washington D.C. 20268 (telephone: 202/254–3824).

SUPPLEMENTARY INFORMATION: Extending the due date for the parties to file reply comments to the Commission's Notice of Proposed Rulemaking in this docket to December 22, 1982, will enable those reply comments to consider the Postal Service's response to a forthcoming Commission Notice of Inquiry having a direct bearing on the issues in this docket.

List of Subjects in 39 CFR Part 3001

Rule of practice and procedure, Contents of formal requests.

David F. Harris,

Secretary.

[FR Doc. 82–33761 Filed 12–10–82; 8:45 am]

BILLING CODE 7715–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 2E2655/P254; PH FRL 2251–4]

Magnesium Phosphide; Proposed Tolerances

Correction

In FR Doc. 82–32187 (incorrectly cited as FR-Doc. 82–3187) appearing on page 53061 in the issue of Wednesday, November 24, 1982, make the following correction:

On page 53061, in the second line from the bottom of the third column, "(>0005 ppm)" should have read "(>0.005 ppm)".

BILLING CODE: 1505–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 67

[CC Docket No. 80–286]

Establishment of a Joint Board; Extension of Time for Filing Comments/Reply Comments for Order Requesting Further Comments

AGENCY: Federal Communications Commission.

ACTION: Order requesting further comments; extension of time.

SUMMARY: In response to motions filed by Continental Telecom, Kansas Corporation Commission, and the Independent Alliance, the Chief of the Common Carrier Bureau through delegated authority from the Federal-State Joint Board hereby extends the time for filing comments and reply comments on the jurisdictional separations issues raised in the Joint Board's Order Requesting Further Comments, published December 3, 1982 at 47 FR 54479.

DATES: With the extension, comments are due by December 22, 1982, and replies by January 31, 1983.

ADDRESS: Federal Communications Commission, 1919 "M" Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: James W. McConnaughey or Claudia Pabo, Policy and Program Planning Division, Common Carrier Bureau, Federal Communications Commission, Washington, DC 20554, Telephone Number (202) 632–9342.

SUPPLEMENTARY INFORMATION:

Adopted: December 7, 1982.

Released: December 8, 1982.

In the matter of an amendment of Part 67 of the Commission's Rules and establishment of a Joint Board; CC Docket No. 80–286; order.

1. Continental Telecom Inc. ("Continental") has filed with this Commission a motion to extend the time for filing comments on the issues raised in the Order Requesting Further Comments ("Order") released by the Federal-State Joint Board in CC Docket No. 80–286 on November 15, 1982. The purpose of that Order is to address the remaining issues for resolution in this proceeding relating to jurisdictional separations, including cost allocation of traffic sensitive and non-traffic sensitive (NTS) exchange plant, coordination of separations changes with access charges, administration of separation, measurement of usage, modification of the customer premises equipment phase-out, and miscellaneous revisions to the *Separations Manual*. Continental requests that the time by which comments must be filed, now set as December 15, 1982, be extended to January 14, 1983. Similarly, the company seeks to have the reply comments deadline, now set for January 15, 1983, be extended until February 14, 1983.

2. Specifically, Continental argues that the current pleading cycle does not permit a meaningful opportunity for parties to address the questins raised by the Order or to provide the requisite information needed by the Joint Board. Continental also asserts that the extension of time which it seeks will enable the parties to address the NTS allocation issue in light of the access charge order to be adopted by the Commission in the MTS and WATS Market Structure Inquiry, CC Docket No. 78–72. *See* Supplemental Notice of Inquiry and Proposed Rulemaking, 73 FCC 2d 222 (1979); Second Supplemental Notice of Inquiry and Proposed Rulemaking, 77 FCC 2d 224 (1980); Report and Third Supplemental Notice of Inquiry and Proposed Rulemaking, 81 FCC 2d 177 (1980); Fourth Supplemental Notice of Inquiry and Proposed Rulemaking, 90 FCC 2d 135 (1982). The company claims that the present timetable would not afford such a focused and detailed analysis by the parties in CC Docket No. 80–286 because the Commission will not have reached a determination in the access charge proceeding. Finally, Continental states that the requested extension would not appreciably delay the Joint Board's final decision.

3. Several parties have filed comments on the Continental motion. Certain parties either support the Continental request or have filed separte motions for additional time. The Ad Hoc Telecommunications Users Committee, the Western Union Telegraph Company, the Kansas Corporation Commission, Southern Pacific Communications Company (SPCC), National Data Corporation, International Business Machines Corporation (IBEM), the Independent Alliance,[1] and United States Transmission Systems, Inc. (USTS) view the current schedule for filing comments and reply comments on the Order as inadequate, given the complexity and importance of the issues raised. SPCC, National Data, IBM and USTS also argue that the brief extension of time requested by Continental will enable parties to comment on the NTS cost allocation issue in light of the access charge approach which will have been adopted by the Commission. USTS submits that the most appropriate course is to grant an extension of both the comment deadlines and the scheduled March 31, 1983 decisional deadline for Joint Board action in this phase of the proceeding. The carrier also argues that the latter date appears somewhat arbitrary and that some minor slippage in the Joint Board timetable would permit more cogent

[1] Technically, the Independent Alliance has filed a separate motion for extension of time rather than comments in support of the Continental motion. Because it requests in a later filing the same extension that Continental seeks, for similar reasons, the Independent Alliance's motion will be treated here as support for the original petition.

comments, yet would not unduly compress the implementation of revised separations procedures by January 1, 1984. All of these parties endorse the 30-day extension recommended in the original motion, except for the Kansas Commission which proposes in a separate motion a 21-day postponement of the existing filing dates.[2]

4. AT&T argues that the motion should be denied because Continental has failed to demonstrate a need for additional time to prepare further comments on the issues raised by the Order. AT&T notes that the parties in this proceeding have already had months to evaluate every significant issue set out in the Order; i.e., no major ones are raised therein for the first time. The company also asserts that the access charge and jurisdictional separations proceedings should proceed simultaneously and expeditiously, and that the FCC has already rejected the notion that the implementation of separations is a prerequisite to access charge reform. It states that it is more important to bring both proceedings to a prompt conclusion and make adjustment later rather than delay one proceeding in favor of the other. Any interim discontinuity, AT&T believes, would be relatively insignificant since the FCC's access charge will be designed to fully cover the cost allocated to the interstate jurisdiction.

5. We are largely unpersuaded by the arguments advanced in support of a substantial extension of time. The basic issues which appear in the Joint Board's Order released November 15, 1982 have already been raised for public comment at various stage of this proceeding. *See* paras. 3–30 of the Order for a description of these prior opportunities. Regarding access charges, we have devoted a substantial part of the Order to discussing and requesting comments on the relationship between several such plans and possible NTS cost allocators. *See, e.g.,* Section III, "Jurisdictional Separations and the Access Charge," paras. 39–68 of the Order. We tend to agree with AT&T that the Joint Board's deliberations on the pending issues in Docket 80–286 must not be unnecessarily delayed to accommodate the timing of the access charge proceeding, and that any iterim discontinuties should not be major, given our intent to establish as access charge which will fully cover costs assigned to interstate. We, in fact, have already denied the validity of the argument that exchange access service compensation arrangements cannot be changed without *Separations Manual* Changes. *MTS and WATS Market Structure,* Second Supplemental Notice. 77 FCC 2d 224, 236 (1980). Finally, the pleading cycle that we promulgated in the Order was established with the upcoming schedule of the Joint Board and its staff in mind. We are cognizant that the Commission must also be afforded adequate time to consider the issues in this proceeding and our formal recommendations in these areas, and a reasonable amount of time must be set aside for actual implementation of any revisions to the separations process prior to the access charge implementation. Neither Continental nor any of the parties has pointed out any future activity or occurrence in the proceeding of which we were not already aware when we determined these deadlines. At this point in time we see no compelling reason to change the existing target date of March 31, 1983 for completion of this phase of the proceeding.

6. Given the urgency of the matters before the Joint Board, it is critical that the Board examine and recommend resolutions for the issues in this proceeding in an expeditious manner. In view of the complexity and the considerable social and economic significance of these issues, however, we want to ensure that short shrift not be given to any consideration of the ability of parties to provide meaningful inputs in this docket. It would, therefore, seem prudent to strike a reasonable balance between these dual concerns. In order to allow interested parties sufficient time to submit comments which adequately address these issues, the time by which these comments must be filed is extended to December 22, 1982. The new date by which reply comments are due is now set at January 31 1983.

7. Accordingly, it is ordered, pursuant to Section 4(j) of the Communications Act, 47 U.S.C. 154(j) (1976), that the motion for extension of time for filing comments is granted to the extent described herein. Interested parties shall file comments on or before December 22, 1982 and reply comments on or before January 31, 1983.[3]

Gary M. Epstein,

Chief, Common Carrier Bureau.

[FR Doc. 82-33908 Filed 12-10-82; 8:45 am]

BILLING CODE 6712-01-M

[2]USTS believes that the full 30-day extension requested by Continental is necessary to assure a full development of the initial comments but urges the Joint Board to grant, as an absolute minimum, the extension of time that the Kansas Commission seeks, *i.e.,* until January 5, 1983.

[3]This action is taken by the Chief, Common Carrier Bureau, pursuant to authority delegated to him by the Federal-State Joint Board in this proceeding. Amendment of Part 67 of the Commission's Rules, FCC 80–692, released December 5, 1980. *See also,* § 0.291(h) of the Commission's Rules, 47 CFR 0.291(h) (1981).

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 29

[OST Docket No. 72, Notice No. 82-3]

Suspension and Debarment of Participants in DOT Financial Assistance Programs

AGENCY: Transportation Department.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule sets forth procedures that would enable the Department of Transportation (DOT) to deny any individual, corporation or other business entity the opportunity to participate in a program of a recipient receiving DOT financial assistance, including contracts awarded pursuant to grants, because of serious misconduct or improper use of federal financial assistance funds.

This rule would provide DOT with formal procedures for excluding individuals, corporations and other business entities for reason of serious misconduct or poor performance, or for reason of previous suspension or debarment under this section. A major concern underlying the development of this proposal was the Department's desire to balance public interest needs and the due process rights of participants that were subject to administrative action. Thus, these proposed regulations were drafted so as to provide uniformity in administering the suspension and debarment program. Most important, it will further the Administration's effort to eliminate waste, fraud, and abuse in Federally-assisted programs. The DOT is soliciting comments from the public on this proposed rule's provisions.

DATE: Comments must be received on or before February 11, 1983.

ADDRESS: Send comments on proposal to: Department of Transportation, Office of the General Counsel; Room 10421, Attn: Docket Clerk (C–50), Docket No. ——, 400 Seventh Street, SW., Washington, D.C. 20590. Comments are available for public examination at that address Monday through Friday from 9:00 to 5:30 p.m. Persons wishing to have receipt of their comments acknowledged must send a stamped, self-addressed post-card with their comments. The docket clerk will return those post cards when the comments are docketed.

FOR FURTHER INFORMATION CONTACT: Paul B. Larsen, (202) 426–4710, Office of the General Counsel, Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION: Under current procedures, the operating administrations of the Department of Transportation (DOT), with the exception of the Federal Highway Administration (FHWA), cannot take preventive action against participants doing business with recipients of DOT financial assistance who have been involved in fraud or other corrupt practices associated with Federally-assisted activity. (FHWA has a procedure, set out in 23 CFR Part 16, with which individuals and business entities can be denied the right to do business under its Federal Aid to Highways Program.) Accordingly, in July 1981, to respond to the Department's need for DOT-wide procedures, an agency task force was created to draft a debarment and suspension rule which would be uniformly applicable throughout the Department.

This proposed rule is comprehensive in that it applies to every participant in or recipient of DOT financial assistance programs (contractors and sub-contractors at any level). It also covers affiliates of such persons and proposes that serious problems with performance matters that contribute to fraud, waste, or abuse be a basis for debarment or suspension. In addition, this proposed rule provides for voluntary exclusions, settlements, and limited participation where appropriate. The proposed rule contains no provisions relating to debarment and suspension in direct Government contracting.

In drafting this proposed rule, the task force concentrated on developing a flexible procedure which would assure a party a fair opportunity to challenge a proposed debarment or suspension decision yet not bind that person by formal rules of evidence or procedure. This should minimize the amount of time and cost that a person or organization, subject to a debarment or suspension action, must expend.

Regulatory Evaluation

This regulation is classified as a "non-major" regulation under Executive Order 12291. This regulation has also been evaluated under the Department of Transportation's Regulatory Policies and Procedures; the regulation is not significant under those Procedures and its economic impact is expected to be so minimal that a full economic evaluation is not warranted.

Regulatory Flexibility Act Determination

It is certified that this regulation, as proposed, would not have a significant economic impact on a substantial number of small entities. As stated above, the economic impact of the rule is expected to be minimal. In this connection, debarment and suspension measures are triggered only by a violation of this regulation and, therefore, are avoidable. This Department has no reason to believe that small entities, in particular, would be seriously affected by this proposed rule.

Environmental Impact

This regulation does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321, *et seq.*).

(Sec. 9 of the Department of Transportation Act (49 U.S.C. 1657))

List of Subjects in 49 CFR Part 29

Administrative practice and procedure, Government contracts, Loan programs—Transportation, Grant programs—Transportation, Fraud.

Accordingly, the Department of Transportation proposes to adopt a new Part 29 of the Regulations of the Office of the Secretary of Transportation (49 CFR Part 29) to read as set forth below:

Issued in Washington, D.C. on November 19, 1982.

Andrew L. Lewis, Jr.,

Secretary of Transportation.

Part 29 is proposed to be added to read as follows:

PART 29—DEBARMENTS, SUSPENSIONS AND VOLUNTARY EXCLUSIONS

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Authority: Sec. 9(e)(2) of the Department of Transportation Act (49 U.S.C. 1657(e)(2)).

Subpart A—Administrative Measures and Voluntary Exclusions: General Provisions and Definitions

§ 29.1 Policy and scope.

The Department of Transportation's (DOT) mission requires that in its financial assistance programs, recipients do business only with participants who properly use federal financial assistance program funds. Accordingly, participation in DOT financial assistance programs shall be denied to those participants who have been suspended or debarred under this Part.

§ 29.3 Purpose.

This Part sets forth rules for the debarment of and other measures against participants, prospective participants or affiliates where it is demonstrated that government funds are not properly utilized or the Federal interest is not safeguarded. These measures shall be used to protect the public interest and are not intended to be sanctions, penalties or forms of punishment. The measures set forth in this part do not apply to a recipient or subrecipient of DOT financial assistance.

§ 29.5 Authority.

This Part is issued pursuant to Section 9(e)(2) of the Department of Transportation Act (49 U.S.C. 1657(e)(2)), which authorizes the Secretary to make such rules and regulations as may be necessary to

carry out the Secretary's functions, powers and duties.

§ 29.7 Authorized measures.

This Part sets forth rules for the imposition of the following:

(a) *Suspension.* Suspension is the action taken by the initiating official under § 29.23 to disqualify a person temporarily from participation in DOT financial assistance programs.

(b) *Debarment.* Debarment is the action taken by the initiating official under § 29.41, after opportunity for a hearing, to deny a person participation in DOT financial assistance programs for a specific period of time commensurate with the seriousness of the offense, but generally not to exceed three years.

§ 29.9 Voluntary exclusion.

Voluntary exclusion is the action taken under § 29.61 to deny participation in DOT financial assistance programs as a result of an agreement voluntarily entered into between the Department and the person to be excluded.

§ 29.11 Applicability.

(a) This Part applies to participants, prospective participants or affiliates in any program for which DOT financial assistance is authorized under a law administered by the Department, including those listed in Appendix A to this Part.

(b) Any person is subject to the measures set forth in this Part, if cause for imposing the measures is shown and the procedures provided in this Part are followed. A person may be subject to measures under this Part whether or not he or she was engaged in a DOT financial assistance program at the time of the conduct on which the measure is based and whether or not that person acted individually, on behalf of others, or in a private or public capacity. Where an organization of the Department is required by statute, regulation, or Executive Order to follow administrative sanction procedures that may differ from the requirements of this part, the statutory, regulatory or Executive Order procedures shall take precedence.

§ 29.13 Definitions.

(a) *Administrator.* (1) Means the head of each of the following operating administrations with respect to the DOT financial assistance programs, if any, administered by their respective organizations.

(i) U.S. Coast Guard.

(ii) Federal Aviation Administration.

(iii) Federal Highway Administration.

(iv) Federal Railroad Administration.

(v) Urban Mass Transportation Administration.

(vi) National Highway Traffic Safety Administration.

(vii) St. Lawrence Seaway Development Corporation.

(viii) Maritime Administration.

(ix) Research and Special Programs Administration.

(x) The Assistant Secretary for Administration with respect to programs administered directly by the Office of the Secretary.

(2) Except where §§ 29.33(b)(7) and 29.51(f) of this section apply, each Administrator may redelegate and authorize successive redelegations within his or her organization.

(b) *Affiliates.* Persons are affiliates of each other when either directly or indirectly one person formulates, directs or controls the other person; or has the power to formulate, direct, or control the other person; or has the responsibility and authority either to prevent in the first instance or promptly to correct, the offensive conduct of the other person. Persons are also affiliates of each other when a third party is similarly situated with respect to both persons.

(c) *Consolidated List:* Means a list compiled, maintained and distributed by the Assistant Secretary for Administration in accordance with § 29.75.

(d) *Day.* Means a calendar day.

(e) *Department or DOT.* Means the Department of Transportation.

(f) *DOT Financial Assistance.* (1) Means any grant, loan, cooperative agreement of contract, or any other arrangement between DOT and a recipient by which the Department provides or otherwise makes available assistance in the form of:

(i) Funds.

(ii) Services of Federal personnel.

(iii) Real or personal property or any interest in or use of such property including:

(*a*) Tranfers or leases of such property for less than fair market value or for reduced consideration.

(*b*) Proceeds from a subsequent transfer or lease of such property if the Federal share or its market value is not returned to the Federal Government.

(iv) Loan Guarantees authorized by statute.

(2) Relocation payments to eligible displaced parties and DOT direct procurements are excluded.

(g) *Initiating officials.* Means the employees within each organization to whom the Administrator delegates authority to implement this Part.

(h) *Notice.* Means notification in writing and sent by registered or certified mail, return receipt requested, to the last known address of the addressee.

(i) *Participants.* Means persons or their employees that directly or indirectly participate or have participated in DOT financial assistance programs through an agreement with a recipient, subrecipient or contractor of any tier. Participants include but are not limited to contractors, suppliers, fee appraisers, inspectors, real estate agents and brokers, consultants, architects, engineers and attorneys.

(j) *Person.* Means an individual, corporation, partnership, or unincorporated association or other public or private entity.

(k) *Recipient:* Means any State, territory, possession, the District of Columbia, or the Commonwealth of Puerto Rico, or any political subdivision or instrumentality thereof, any public or private agency, institution, or organization, entity, or individual, in any State, territory, possession, the District of Columbia, or the Commonwealth of Puerto Rico, to whom DOT financial assistance is extended, directly or through another recipient, for any program, including any successor, assignee, or transferee thereof.

§ 29.15 Hearing officer.

Each Administrative Judge, Board of Contract Appeals, Office of the Secretary, is designated as Hearing Officer for purposes of this Part.

§ 29.17 Initiation of measures.

(a) Anyone may contact the initiating official concerning the existence of a cause under Subpart B or C. The initiating official may refer the matter to the DOT Inspector General for further investigation. If after review or investigation the initiating official reasonably believes that a cause under Subpart B or C exists, he or she may proceed to impose the measure under the appropriate Subpart.

(b) Recipients are required to advise DOT financial assistance administrators concerning the existence of a cause under Subpart B or C.

Subpart B—Suspension

§ 29.21 Initiation of suspensions.

For matters within his or her DOT financial assistance programs, the initiating official may suspend any participant, prospective participant or affiliate.

§ 29.23 Grounds for suspension.

(a) Suspension may be imposed on any participant, or affiliate, upon

adequate evidence for any of the following causes:

(1) Commission of fraud or any criminal offense as an incident to obtaining, seeking to obtain, or performing Government business or a public contract;

(2) Commission of any criminal offense indicating a lack of business integrity or business honesty that seriously and directly affects the question of present responsibility including, but not limited to, embezzlement, theft, forgery, bribery, falsification or destruction of records, false statement, fraud, receiving stolen property, violation of the Organized Crime Control Act of 1970, or violation of the Federal or State Antitrust statutes arising out of submission of bids or proposals;

(3) Violation of any agreement for voluntary exclusion or any settlement made under this Part;

(4) Commission or omission of acts of such serious or compelling nature affecting present responsibility or indicating inability to perform business with the Federal Government as may be determined by the appropriate initiating official to warrant suspension. Such conduct and omissions include, but are not limited to:

(i) The violation of any applicable law, regulation, or obligation relating to the performance of obligations incurred pursuant to an agreement with a recipient under a DOT financial assistance program; or

(ii) Making or procuring to be made any false statement or using deceit for the purpose of influencing in any way any action of the Government.

(b) An outstanding indictment or information is adequate evidence of suspected criminal conduct and may be the basis for the imposition of a suspension.

§ 29.25 Suspension of affiliates.

Suspension may include all or any affiliates of a participant. A determination to include affiliates in a particular suspension pursuant to § 29.23 must be made on a case-by-case basis. Among the factors to be considered in making this determination are:

(a) The affiliate's knowledge of or participation in the conduct which is the basis for the suspension; and

(b) The impact of the affiliate's suspension on DOT financial assistance programs.

§ 29.27 Period of suspension.

(a) All suspensions shall be for a temporary period pending the completion of any investigation or any administrative or judicial proceedings as may ensue.

(b) No suspension shall continue for more than 30 days unless (within that period) the suspended party is afforded notice pursuant to § 29.29(b) of an opportunity for a hearing.

(c) In cases involving suspected violations of Federal law where prosecutive action has not been initiated by the Department of Justice within 12 months from the date of the notice of suspension, the suspensions shall be terminated unless an Assistant Attorney General or a United States Attorney requests continuance for an additional six months. Notice of the proposed termination of the suspension shall be given to the Department of Justice not less than 30 days prior to the expiration of the 12 month period. In no event shall a suspension continue beyond 18 months unless prosecutive action has been initiated within that period.

(d) The time limitations for suspension contained in this section may be waived by the affected party.

§ 29.29 Procedures for suspension.

(a) *Decision to Suspend.* Suspension is a drastic action and, as such, shall not be based on an unsupported accusation.

(1) In assessing whether adequate evidence exists for imposing a suspension, all available relevant facts should be considered including, but not limited to:

(i) The amount of credible evidence which is available;

(ii) The existence or absence of corroboration of important allegations;

(iii) Inferences which may properly be drawn from the existence or absence of available facts.

(2) This assessment shall include an examination of basic documents, such as contracts, Inspector General reports, correspondence and any other pertinent written material, and shall be coordinated with the appropriate legal office.

(b) *Notice of Suspension.* Within 30 days of the suspension decision the suspended person and any affected affiliate(s) shall be furnished a written notice of suspension. Notice shall be considered to have been received if properly sent to the person's last known address. The notice shall reference:

(1) The specific acts or omissions on which the suspension is based. These may be described in general terms without disclosing the Government's evidence if greater specificity would: (i) Interfere with enforcement proceedings; (ii) deprive a person of a right to a fair trial or an impartial adjudication; (iii) constitute an unwarranted invasion of personal privacy; (iv) disclose the identity of or information furnished solely by a confidential source; (v) disclose investigative techniques and procedures; or (vi) endanger the life or physical safety of law enforcement personnel.

(2) The provisions of §§ 29.27, 29.33 and 29.37 regarding period of suspension, right to a hearing and restrictions on suspended persons during the suspension period; and

(3) That the participant may be represented by counsel, if desired.

§ 29.33 Hearing.

(a) *Request for a hearing.* A suspended person is entitled to request a hearing before a Hearing Officer on the suspension.

(1) The request shall be in writing addressed to the initiating official.

(2) A request for a hearing may be made at any tme during the period of suspension and, unlesss waived, the person suspended may demand that the hearing be held within 30 days of receipt of the request by the initiating official.

(b) *Hearing procedures.*—(1) *Indictment.* Where a suspension is based solely upon an indictment or information, the person shall be limited to an opportunity to submit documentary evidence and written briefs except that, where good cause is shown as to why an oral hearing should be held, the Hearing Officer may, in his or her discretion, grant a request for such a hearing.

(2) *In camera* proceeding. (i) When an offical with appropriate authority in the Department of Justice, Office of Inspector General for DOT, the Federal Bureau of Investigation, or other investigative or law enforcement agency of the Federal or State Government determines by afffidavit or sworn testimony that disclosure of evidence which is the basis for a suspension would result in significant harm to other litigation or proceedings or to an investigation of allegations which, if proven, would constitute a violation of criminal statutes, the evidence may be presented to the Hearing Officer *in camera.* (ii) In such circumstances, the Hearing Officer shall determine whether any disclosure to the suspended person would be in the public interest and whether an opportunty to respond may be granted to the suspended person. (iii) The Department shall retain the right to withdraw such evidence from the record after the Hearing Officer's *in camera* determination in order to avoid disclosure to the suspended person.

(3) *Discovery.* (i) In matters referred to the Department of Justice, DOT shall not give information to the suspended

person concerning the reasons for suspension beyond that sated in the notice of suspension until the Department of Justice has been advised of the inquiry and consents to any such disclosure. (ii) In no event shall discovery be granted which might in any way jeopardize an ongoing criminal poceeding or investigation of allegations which, if proven, would constitute a violation of criminal statutes.

(4) All witnesses shall testify under oath or affirmation. Department witnesses, if any, shall be first called and may be cross-examined by the suspended person. The person's witnesses may also be cross-examined.

(5) A transcribed record shall be made of the proceeding and shall be made available to the parties upon request.

(6) *Consolidation.* Where appropriate, and if the parties agree, a suspension hearing may be consolidated with a debarment hearing involving the same issues.

(7) *Determination.* The Hearing Officer shall sustain the suspension if he or she finds: (i) That there is adequate evidence of cause under § 29.23; (ii) that the suspension is for the period authorized under § 29.27; and (iii) if an affiliate is involved, that the provisions of § 29.25 are met.

(8) *Distribution.* The Hearing Officer shall expeditiously send copies of the determination by registered or certified mail, return receipt requested, to all parties within five days of the date it is issued.

(9) *Review.* The determination shall be final unless the suspended party within 60 days, requests a review by the Administrator. Where a review is granted, the determination by the Administrator shall be based solely on the record of the hearing and shall be final. The Administrator's determination shall recite the grounds upon which it is made. Notice of the decision shall be sent to all parties.

§ 29.35 Reconsideration based on newly discovered evidence.

(a) Any suspended party may seek reconsideration at any time based on newly discovered evidence not available at the hearing. The request must specifically describe the new evidence, its relevance and the reasons why it was previously unavailable. Except as provided in § 29.35(d) the request shall be filed with the Hearing Officer or initiating official within 60 days of the date the requesting party becomes aware of the newly discovered evidence. A copy of the request and all supporting documents shall be served on the Department's legal representative by certified or registered mail, return receipt requested. The opposing party may file a response within 20 days of receipt.

(b) The Hearing Officer must decide whether to grant the request. It may only be granted if the Hearing Officer concludes that the new evidence was previously unavailable and that the evidence would probably materially affect the prior determination.

(c) If reconsideration is granted under this section, the requesting party has the right to a hearing even though no hearing on the original matter was requested. The hearing shall be limited to the opportunity to submit the new documentary evidence and written briefs unless the Hearing Officer concludes that an oral hearing is necessary.

(d) Where a determination has been made by the Administrator pursuant to § 29.33(b)(7), then the request shall be filed with the Administrator.

§ 29.37 Discretionary limitation on suspension.

(a) *Bids and proposals.* Bids and proposals for participation in DOT financial assistance programs shall not be solicited from suspended parties. If received, such bids and proposals shall not be considered unless the initiating official of the operating administration imposing the suspension determines in writing that consideration is clearly in the best interest of the Federal Government, based upon factors such as: the unique value of the suspended party's services; the degree to which the suspected conduct reflects upon the suspended party's capacity to successfully carry out the DOT financial assistance program; and the overriding need for the suspended party's services. The determination shall specify the factors on which it is based.

(b) *Subcontractors.* Persons suspended from DOT financial assistance programs shall not be permitted to act as subcontractors unless the initiating official of the operating administration imposing the suspension determines in writing that such subcontracts are clearly in the best interest of the Federal Government, based upon the factors identified in paragraph (a) of this section. The determination shall specify the factors on which it is based.

(c) *Program and Geographic Limitations.* The initiating official may limit the suspension to a particular program or programs and/or a particular geographic area if the initiating official determines that such limitation(s) is in the best interest of the Federal Government.

(d) *Existing Relationships.* Where participation in a DOT financial assistance program has been awarded to a subsequently suspended person, the matter shall be reevaluated. If the instrument setting forth the relationship provides grounds for termination and it is determined that termination would be in the best interest of the Government, the relationship shall be terminated.

(e) *Administrators.* Where the suspension determination has been made by the Administrator pursuant to § 29.33(b)(7), the Administrator shall make the determinations under this section. Administrators of an operating administration not imposing the suspension may make the determinations under this section with respect to his or her DOT financial assistance programs.

Subpart C—Debarment

§ 29.41 Causes and conditions applicable to determination of debarment.

Debarment may be imposed on any participant, or affiliate for any of the following causes:

(a) Conviction for any cause which is a ground for suspension as set forth in § 29.23(a)(1) or (a)(2), regardless whether or not action to suspend the person has been taken.

(b) For any cause which is a ground for suspension as set forth in § 29.23(a)(3).

(c) Violation of law or regulation relating to personal or organizational conflict of interest as an incident to obtaining, attempting to obtain or in the performance of a contract in a DOT financial assistance program.

(d) A willful or serious failure to perform, or a record of unsatisfactory performance, in accordance with the terms of one or more agreements with a recipient of DOT financial assistance; provided, that such failure or unsatisfactory performance has occurred within a reasonable period of time preceding the determination as to debar.

(e) Violation of any contractual provision against receipt of contingent fees.

(f) Doing business with a person named on the Consolidated List so as to cause the listed person to become, direclty or indirectly, a participant in DOT financial assistance programs where it is known or should have been known that the person was on the list.

(g) Debarment by another Federal Government Agency.

(h) Any other cause of a serious or compelling nature affecting present responsibility which may be determined

by the initiating official to justify debarment.

§ 29.43 Debarment of affiliates.

(a) Debarment may include all affiliates. A determination to include affiliates in a particular debarment pursuant to § 29.41 shall be made on a case-by-case basis. Among the factors to be considered in making this determination are:

(1) Likelihood of the affiliate's knowledge of or participation in the improper conduct; and

(2) The impact of the affiliate's debarment on DOT financial assistance programs.

(b) In instances where debarment of an affiliate is proposed, the affiliate shall have a right to:

(1) Receive notice of the proposed debarment of the participant or prospective participant in addition to its own proposed debarment and,

(2) Intervene in any hearing held on the proposed debarment of any participant or prospective participant or otherwise show that the affiliate had no actual or imputed knowledge of or involvement in the improper conduct.

(c) The affiliate shall, in writing, advise the initiating official within 10 days of receipt of notice of the proposed debarment of its intention to act under paragraph (b)(2) of this section, or waive its right so to act.

(d) The hearing procedures applicable to debarment of participants described in § 29.51(c)(6) and (c)(7) shall apply to debarment of affiliates.

§ 29.45 Decision to debar.

(a) *Whether to Debar.* An initiating official may debar a person for any cause set forth in § 29.41 after coordination with the appropriate legal office. However, the existence of any of these causes does not necessarily require that a party be excluded from DOT financial assistance programs. In each case, even if the offense or violation is of a criminal, fraudulent or other serious nature, the decision to debar shall be within the discretion of the initiating official and shall be in the public interest.

(b) *Seriousness of the Cause for Debarment.* All mitigating factors may be considered in determining the seriousness of an offense or the failure or inadequacy of performance. Among the factors to be considered are whether the cause for debarment is based on a criminal conviction and whether the acts or omissions to act were willful. For purposes of this part, willfulness includes conduct that the person knew was in violation of applicable rules, statutes, regulations, or contract provisions.

(c) *Imputed Knowledge.* A person's act may be imputed to another person if:

(1) The acts primarily benefit the other person; and

(2) The other person does not show a diligent effort to prevent the acts or show that the acts were unforeseen.

(d) *Time limitations on Decision to Debar.* (1) The initiation of a debarment shall be made within three years of

(i) A criminal conviction, or

(ii) Completion of an investigation or audit which is a basis for the debarment action, or

(iii) Discovery of the cause(s) on which the debarment action is based, whichever occurs last.

(2) A longer period shall be allowed when the Department's legal representative can show a good faith inability to initiate a debarment within the three year period and the person would not be unfairly prejudiced by the delay.

§ 29.47 Period of debarment.

(a) *Generally.* Except where paragraph (b) or (c) of this section apply, the following periods of debarment may be imposed:

(1) Up to three years for any debarment action.

(2) Where the debarment is based on debarment by another Federal Government Agency, a period not to exceed the remainder of the original debarment period.

(b) *Correctable cause(s).* If the circumstances giving rise to the debarment persist at the end of the initial debarment period, the debarment period may be extended pending correction or mitigation of these circumstances.

(c) *Repeated debarments.* If a person was previously debarred:

(1) For any cause and is again debarred, the second debarment may be up to six years except where paragraph (c)(2) of this section applies;

(2) Because of a criminal conviction or a willful violation and is again debarred because of a criminal conviction or willful violation, the second debarment may be for an indefinite period; or,

(3) Twice for the same cause, any subsequent debarment may be for an indefinite period.

§ 29.49 Notice of proposed debarment; commencement of debarment period.

(a) When a debarment is proposed, the initiating official shall notify the person, and affected affiliates, in writing, of the proposed debarment by expeditious means, such as certified or registered mail, return receipt requested. Notice shall be considered to have been received by the addressee if properly sent to the last known address. The notice shall state:

(1) The specific acts or omissions which form the basis of the action;

(2) That the party may, on request, obtain a hearing as appropriate under § 29.51;

(3) That the party may be represented by counsel.

(b) The notice shall state the period of proposed debarment and shall specify that the debarment begins where: (1) No hearing has been requested and the time to request a hearing has expired, when a final determination is issued; or (2) a hearing has been requested, when order of debarment is issued by the Hearing Officer.

(c) If the person is under suspension, the notice of debarment shall specify that unless the order of suspension is overturned, the suspension continues until the debarment proceedings are resolved. If the suspension and debarment actions are taken simultaneously, the notice shall also include all of the information required by § 29.29(b).

(d) The matters of fact and law alleged in a notice may be amended by the initiating official at any stage of the proceedings, and such amended notice may be consolidated as part of a hearing on the proposed debarment.

§29.51 Hearing.

(a) *Request for hearing.* A request for a hearing before a Hearing Officer shall be made in writing, addressed to the initiating official proposing the action, within 20 days of receipt of the notice set forth in § 29.49. If no request has been received by the initiating official within the 20 day period, it shall be conclusively presumed that the opportunity to be heard has been waived, and the initiating official shall make a final determination and so notify the person in writing. Notice of final determination shall be considered to have been received if properly sent to the person's last known address.

(b) *Hearing Before Hearing Officer.* A person who has received notice pursuant to § 29.49 has the right to be heard before a Hearing Officer and to be represented by counsel as follows:

(1) Where the proposed action is not based solely upon a conviction, the person may request an oral hearing before a Hearing Officer and/or the opportunity to submit documentary evidence and written briefs for consideration by a Hearing Officer;

(2) Where the proposed action is based solely upon a conviction, the

person shall be limited to the opportunity to submit documentary evidence and written briefs for consideration by a Hearing Officer.

(c) *Oral hearing.* (1) The Hearing Officer shall arrange as prompt a hearing as practicable.

(2) Notice of the time and place of the hearing shall be in writing, transmitted to all parties, and shall include a statement indicating the nature of the proceedings and their purpose.

(3) The hearing place shall be determined by the Hearing Officer, in consideration of the convenience of the parties and the public interest.

(4) Hearings involving several parties or affiliates shall be consolidated wherever possible.

(5) Any member of the public having an interest in the matter being heard may request participation at the hearing at his or her own expense. Such participation may be granted at the discretion of the Hearing Officer and shall be limited to the following:

(i) Receiving advance notice of hearings;

(ii) Filing written briefs on the issues presented; and

(iii) Testifying when requested by the Hearing Officer.

(6) All witnesses shall testify under oath or affirmation. Department witnesses, if any, shall be first called and may be cross-examined by the person against whom debarment is proposed. This person's witnesses may also be cross-examined.

(7) A transcribed record shall be made of the proceeding and shall be made available to the parties upon request.

(d) *Determination.* The Hearing Officer shall sustain the debarment if he or she finds:

(1) The existence of cause under § 29.41 has been established by a preponderance of the evidence;

(2) The debarment was proposed within the time limitations of § 29.65(d);

(3) The proposed period of debarment is consistent with § 29.47; and

(4) If an affiliate is involved, knowledge of the improper conduct coupled with a failure to act to prevent its occurrence, or participation in the improper conduct has been established by a preponderance of the evidence.

(e) *Distribution.* The Hearing Officer shall expeditiously send copies of the determination to all parties within five days of the date it is issued.

(f) *Review.* The determination shall be final unless the debarred party within 60 days requests a review by the Administrator. Where a review is granted, the determination by the Administrator shall be based solely on the record of the hearing and shall be final. The Administrator's determination shall recite the grounds upon which it is made. Notice of the decision shall be sent to all parties.

§ 29.53 Reinstatement.

(a) *Filing a request for reinstatement.* Except as provided in § 29.53(b) requests for reinstatement shall be in writing, addressed to the initiating official, and at the following times:

(1) A person debarred because of a criminal conviction or a willful violation, if half the debarment period has expired, may file a request for reinstatement. However, if the conviction is reversed on appeal, the debarred party may immedately file a request for reinstatement.

(2) When debarment is for an indefinite period, a request for reinstatement may be submitted after six years of debarment have elapsed.

(3) In all other cases, a request for reinstatement may be filed six months after debarment.

(b) A decision to reinstate a debarred party shall be a matter within the discretion of the initiating official.

(c) *Procedures.* The determination whether to reinstate may ordinarily be based on written submissions of evidence, without a further hearing. However, in determining whether reinstatement is appropriate, the initiating official may require a hearing on the request for reinstatement. Where a hearing is held, the Hearing Officer shall make a report and recommendation to the initiating official as to whether reinstatement is warranted under the standards of subsection (d).

(d) *Basis for reinstatement.* (1) Reinstatement shall be granted only where (i) the debarred person has shown, based upon a preponderance of the evidence, that he or she is now responsible; (ii) the initiating official has determined that reinstatement is in the public interest: and (iii) the debarred person has certified that he or she understands the requirements of applicable statutes, administrative rules and regulations, and will comply with them in the future.

(2) In granting reinstatement, the initiating official may require (i) restitution by the debarred party for losses sustained by the Department as a result of the prior violations or failures, as a precondition to reinstatement; and (ii) compliance with any other conditions determined to be in the best interest of the Federal Government.

(3) The initiating official may at any time reinstate the debarred party and/or may rescind the debarment upon a determination that the cause(s) upon which the debarment is based no longer exists. The determination shall be in writing and shall specify the factors on which it is based.

(e) Where the debarment determination has been made by the Administrator pursuant to § 29.51(b), requests under § 29.53(a) must be filed with the Administrator.

§ 29.55 Reconsideration based on newly discovered evidence.

(a) Any debarred party may seek reconsideration at any time based on newly discovered evidence not available at the hearing. The request must specifically describe the new evidence, its relevance and the reasons why it was previously unavailable. Except as provided in § 29.55(d) the motion shall be filed with the Hearing Officer within 60 days from the date the requesting party becomes aware of the newly discovered evidence. A copy of the request and all supporting documents shall be served on the Department's legal representative by certified or registered mail, return receipt requested. The Department's legal representative may file a response within 20 days of receipt.

(b) The Hearing Officer must decide whether to grant the request. It may be granted only if the Hearing Officer concludes that the new evidence was previously unavailable and that the evidence would probably materially affect the prior determination.

(c) If reconsideration is granted under this section, the requesting party has the right to a hearing even though no hearing on the original matter was requested. The hearing shall be limited to the opportunity to submit documentary evidence and written briefs unless the Hearing Officer concludes that an oral hearing is necessary. In no event shall the original determination of debarment be reopened at a reinstatement hearing.

(d) Where a determination has been made by the Administrator pursuant to § 29.51(f), requests under § 29.55(a) must be filed with the Administrator.

§ 29.57 Participation in extraordinary situations.

(a) *Limited participation.* (1) In extraordinary situations of an emergency or similar nature, the initiating official imposing the debarment may allow a debarred party to participate in DOT financial assistance programs on a limited, specified basis during the debarment period. In such extraordinary situations, the initiating official shall make a written determination that the public

interest requires such participation. The determination shall specify the factors on which it is based.

(2) Where the debarment determination has been made by the Administrator pursuant to § 29.51(b) then the Administrator shall make the determination described in § 29.57(a). The Administrator of an operating administration not imposing the debarment in extraordinary situations also may allow limited participation by a debarred party with respect to his or her DOT financial assistance programs.

(b) *Existing relationships.* Where participation in a DOT financial assistance program has been awarded to a subsequently debarred person, the matter shall be reevaluated. If the instrument setting forth the relationship provides for termination and it is determined that termination would be in the best interest of the Government, the relationship shall be terminated.

Subpart D—Voluntary Exclusions and Settlements

§ 29.61 Voluntary exclusion.

(a) When in the best interest of the Federal Government, and provided that allegations of fraud or criminal activity are not involved, an initiating official under this Part, instead of taking administrative action, may enter into an agreement with a person providing for voluntary exclusion from DOT financial assistance programs for a specified period of time. Agreements for voluntary exclusion are entered into for the benefit of both parties and do not constitute administrative measures. However, violations of an agreement for voluntary exclusion may result in administrative action under this Part.

(b) The name of the person entering into the agreement shall be included on the Consolidated List under a separate heading entitled "Voluntary Exclusions."

§ 29.63 Settlements.

The initiating official shall have authority to settle an administrative action under this Part in the interest of the Federal Government at any time prior to the determination of the Hearing Officer. Any proposed settlement must be coordinated with the appropriate legal office.

Subpart E—Consolidated and Other Lists

§ 29.71 Establishment and maintenance.

The Assistant Secretary for Administration shall be responsible for maintenance and consolidation of Department lists relating to administrative measures and voluntary exclusions. A list of debarments by other Government agencies which this Department is required by law or Executive Order to observe shall also be maintained.

§ 29.73 Maintaining the lists.

(a) All lists shall be kept current. (b) Procedures for issuance of notices of additions and deletions shall be established. (c) Each Administrator under this Part shall appoint a liaison officer responsible for providing the Assistant Secretary for Administration with current information. (d) The Assistant Secretary for Administration shall, in cooperation with the operating administrations of the Department, establish procedures for assuring the timely receipt of information relevant to updating all lists.

§ 29.75 Information on the consolidated list.

(a) The Consolidated List shall show as a minimum the following information:

(1) The names and addresses of those persons against whom DOT has invoked administrative measures (in alphabetical order) with appropriate cross reference where more than one name is involved in a single transaction.

(2) The basis of authority for such action.

(3) The extent of the restrictions imposed, including their expiration dates.

(4) The name of the office initiating the action, where appropriate.

(b) The Consolidated List shall show the above information with respect to persons voluntarily excluded from DOT financial assistance programs under a separate heading entitled "Voluntary Exclusions."

§ 29.77 Distribution of the consolidated list.

(a) The Assistant Secretary for Administration shall arrange for reproduction and distribution of the Consolidated List. The list shall be distributed among Department grant administration employees and all recipients of DOT financial assistance. Distribution also shall be made upon request.

(b) Procedures for submitting requests for information contained in the Consolidated List and distribution of such information shall be established. Names of entities in the Consolidated List shall be available to the public upon request.

§ 29.79 Classification for entry on the consolidated list.

Persons may be listed in the Consolidated List in accordance with the following classifications:

(a) Those listed by the Comptroller General in accordance with the provisions of section 3 of the Walsh-Healy Public Contracts Act (41 U.S.C. 37), which have been found by the Secretary of Labor to have violated any of the agreements or representations required by that Act.

(b) Those listed by the Comptroller General in accordance with the provisions of section 3 of the Davis-Bacon Act (40 U.S.C. 276a–2(a)), which have been found by the Comptroller General to have violated that Act.

(c) Those listed by the Comptroller General in accordance with the provisions of 29 CFR 5.6(b) of the regulations of the Secretary of Labor issued pursuant to authority granted under Reorganization Plan No. 14 of 1950, as found by the Secretary of Labor to be in aggravated or willful violation of the prevailing wage or overtime pay provisions of any statutes including the following:

(1) Davis-Bacon Act (40 U.S.C. 276a);

(2) Anti-Kickback Act (18 U.S.C. 874, 40 U.S.C. 276b);

(3) The Contract Work Hours and Safety Standards Act (40 U.S.C. 327–330);

(4) Airport and Airway Development Act of 1970 (49 U.S.C. 1701);

(5) Federal-Aid Highway Act (23 U.S.C. 113);

(6) Urban Mass Transportation Act of 1964 as amended. (49 U.S.C. 1601); and,

(7) Highway Safety Act of 1966 (23 U.S.C. 401 et seq.).

(d) Those debarred or suspended in accordance with this part.

(e) Those determined by an executive agency, in accordance with section 3(b) of the Buy America Act (41 U.S.C. 10b(b), to have failed to comply with the provisions of section 3(a) of the Act under any contract containing the specific provisions required by said section 3(a) and made by the agency for construction, alteration, or repair of any public building or public work.

(f) Those with whom the Department has entered into an agreement for voluntary exclusion under this Part.

Appendix A—Programs To Which This Part Applies

1. Grants made in connection with Federal-aid highway and related programs (23 U.S.C. 101, *et seq.*).

2. Grants made in connection with the Highway Safety Act of 1966 (23 U.S.C. 402, *et seq*).

3. Grants made in connection with uncodified Federal-Aid Highway Act provisions.

4. Grants for the support of basic scientific research by nonprofit institutions of higher education and nonprofit organzations whose

primary purpose is conduct of scientific research (42 U.S.C. 1891).

5. Grants made in connection with the Federal-aid Airport Program (Sec. 1–15 and 17–20 of the Federal Airport Act, 49 U.S.C. 1101–1114, 1116–1120.).

6. U.S. land acquired for public airports under

a. Section 23 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1723).

b. Surplus Property Act of the Surplus Airports and Equipment Act of 1947, as amended (Section 13(g) and Sections 2, 3, and 4; Appendix 1622(g) and 1622 a, b, c).

7. Activities carried out in connection with the Aviation Education Program of the Federal Aviation Administration under Sections 305, 311 and 313(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1346 1352 and 1354(a)).

8. Demonstration projects relating to ground transportation services to airports under the Airport and Airway Development Act Amendments of 1976, (Section 23(a)(i); 49 U.S.C. 1712 note).

9. Grants made in connection with Urban Mas Transportation Discretionary Grant or Loan Program—Uran Mass Transportation Act of 1964, as amended, 49 U.S.C. 1602.

10. Grants made in connection with Urban Mass Transportation Formula Program—Urban Mass Transportation Act of 1964, as amended, 49 U.S.C. 1604.

11. Grants made in connection with Urban Mass Transportation Research, Development & Demonstration Projects—Urban Mass Transportation Act of 1964, as amended, 49 U.S.C. 1605.

12. Grants made in connection with Urban Mass Transportation Planning and Technical Studies—Urban Mass Transportation Act of 1964, as amended, 49 U.S.C. 1607.

13. Grants made in connection with Urban Mass Transportation projects for Training Programs—Urban Mass Transportation Act of 1964, as amended, 49 U.S.C. 1607b.

14. Grants made in connection with Urban Mass Transportation projects for Research and Training in Urban Mass Transportation Problems—Urban Mass Transportation Act of 1964, as amended 49 U.S.C. 1607c.

15. Grants and loans made in connection with Urban Mass Transportation Planning and Design of Mass Transportation Facilities to meet Special Needs of the Elderly and the Handicapped—Urban Mass Transportation Act of 1964, as amended, 49 U.S.C. 1612.

16. Grants made in connection with urban Mass Transportation Formula Grant Program for Areas other than Urbanized Areas—Urban Mass Transportation Act of 1964, as amended, 49 U.S.C. 1614.

17. Grants made in connection with Urban Mass Transportation Human Resources Programs—Urban Mass Transportation Act of 1964, as amended, 49 U.S.C. 1616.

18. Grants made in connection with Urban Transportation programs, Title 23 United States Code (Highways).

19. Grants made in connection with the Urban Transportation Deployment of Innovative Techniques and Methods Program—Urban Mass Transportation Act of 1964, as amended, 49 U.S.C. 1603(i).

20. Grants made in connection with the Railroad and Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801).

21. Grants to Amtrak under section 601 of the Rail Passenger Service Act, 45 U.S.C. 601.

22. Grants for planning, preservation and conversion of rail passenger terminals of historical or architectural significance pursuant to section 4(i) of the Department of Transportation Act, 49 U.S.C. 1653.

23. Grants to States for rail freight assistance programs pursuant to section 5 of the Department of Transportation Act, 49 U.S.C. 1654.

24. Grants to States for participation in enforcement of FRA rail safety regulations pursuant to section 206 of the Federal Railroad Safety Act of 1970, 45 U.S.C. 435.

25. The construction and operation of a deepwater port or other facility through the grant of a license by the Secretary of Transportation.

[FR Doc. 82-33750 Filed 12-10-82; 8:45 am]

BILLING CODE 4910-59-M

Notices

Federal Register
Vol. 47, No. 239
Monday, December 13, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

COMMISSION ON CIVIL RIGHTS

Indiana Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Indiana Advisory Committee to the Commission will convene at 10:30 a.m., and will end at 11:30 a.m., on December 30, 1982, at the Hammond Post Office, 5530 Sohl Avenue, in the Civil Service Room, Hammond, Indiana, 46320. At this meeting, the Advisory Committee will conduct a press conference to release the statement: *The Hammond Police "Sworn to Protect Whom?"*

Persons desiring additional information, should contact the Chairperson, Joseph J. Russell, 4165 Gran Haven Drive, Bloomington, Indiana, 47401, (812) 337–9632 or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois, 60604, (312) 353–7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 7, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82–33729 Filed 12–10–82; 8:45 am]

BILLING CODE 6335–01–M

Massachusetts Advisory Committee; Agenda and Pubic Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Massachusetts Advisory Committee to the Commission will convene at 4:00 p.m., and will end at 6:00 p.m., on January 11, 1983, at the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110. The purpose of this meeting will be to discuss the followup activities to the second report on teacher layoffs, the status of the survey of district attorneys' use of state civil rights law, and the status of the project on successful affirmative action.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Bradford E. Brown, 17 Roberta Jean Circle, Post Office Box 95, East Falmouth, Massachusetts, 02536, (617) 548–5123 or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110, (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 7, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82–33728 Filed 12–10–82; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Receipt of Modification Request Permit No. 364 (PI3M)

Notice is hereby given that Mystic Marinelife Aquarium, Mystic Connecticut 06355 has requested a modification of Permit No. 364 issued on January 27, 1982 (47 FR 4548) under authority of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

The Permit Holder is requesting to take pilot whales *(Globicephala melaena)*, one of the species authorized in that permit, by directed capture techniques as opposed to incidental to commercial fishing activities.

Concurrent with the publication of this Notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of the request to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this request should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235 within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in the modification request are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above request are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: December 7, 1982.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 82–33773 Filed 12–10–82; 8:45 am]

BILLING CODE 3510–22–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Textile Category System Revisions

December 3, 1982.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Publication of Summary of the Correlation: Textile and Apparel Categories with Tariff Schedules of the United States Annotated.

SUMMARY: A notice published in the **Federal Register** on November 24, 1982 (47 FR 53091), announced revisions to the Textile Category System resulting from changes in the Tariff Schedules of the United States Annotated (T.S.U.S.A.) effective January 1, 1983. This system is used in the bilateral textile agreements negotiated under the Arrangement Regarding International Trade in Textiles.

Published below are sections of the Correlation which can serve as a Summary of the entire publication.

These sections are the Forward, the Index which cites the titles of the textile categories, and section 5 which lists all T.S.U.S.A. numbers in the category system with their corresponding category designations.

EFFECTIVE DATE: January 1, 1983.

FOR FURTHER INFORMATION CONTACT: Claire L. McDermott, Commodity Industry Specialist, International Agreements and Monitoring Division, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Foreward

This publication presents the *Tariff Schedules of the United States Annotated* numbers as revised through January 1, 1983, under each of the Cotton, Wool and Man-Made Fiber categories (or groupings) used by the United States in monitoring import shipments of these textile products and to administer the United States textile apparel trade agreements programs. In order to facilitate the use of this publication, the descriptions of the *Tariff Schedules of the United States Annotated* numbers have been simplified. The simplified descriptions, however, are not intended to modify, change, or contradict in any way the substance or meaning of the descriptions presented in the *Tariff Schedules of the United States Annotated.* In any case where the descriptions in this publication conflict with those in the *Tariff Schedules of the United States Annotated,* the descriptions in the latter document shall prevail.

On all handloomed, hand made and folklore products certified exempt pursuant to arrangements under bilateral textile and apparel restraint agreements, the importer is required to identify such certified products on the entry summary or withdrawal forms by placing the symbol "F" as a prefix to the appropriate 7 digit Schedule 3 or Schedule 7 item number. Imports of items identical to those covered by the "F" symbol which are not specifically exempted under the particular agreements with the county of exportation are entered under appropriate category numbers and are subject to the restraint levels.

At this time, certified exempt arrangements have been established only with the following countries: Colombia, India, Korea, Malaysia, Mexico, Pakistan, Republic of the Philippines, Taiwan, and Thailand.

Any further exempt system will be announced in the **Federal Register.**

INDEX AND CONVERSION TABLE

Category No.	Description	Conversion factor	Unit of measure	Page
	Section 1—Yarn			
	Cotton:			
300	Carded	4.6	Lb.	
301	Combed	4.6	Lb.	1
	Wool:			
400	Tops and yarn	2.0	Lb.	1
	Man-made fiber:			
600	Texturea	3.5	Lb.	2
601	Cont. Cell	5.2	Lb.	3
602	Non-cont. cell.	11.6	Lb.	4
603	Non-cont. cell.	3.4	Lb.	5
604	Non-cont. non-cell.	4.1	Lb.	5
605	Other yarns	3.5	Lb.	5
	Section 2—Fabric			
	Cotton:			
310	Gingham	1.0	Syd.	7
311	Velveteen	1.0	Syd.	7
312	Corduroy	1.0	Syd.	7
313	Sheeting	1.0	Syd.	8
314	Poplin and broadcloth.	1.0	Syd.	9
315	Printcloth	1.0	Syd.	10
316	Shirting	1.0	Syd.	11
317	Twill and sateen	1.0	Syd.	12
318	Yarn-dyed, n.e.s.	1.0	Syd.	16
319	Duck	1.0	Syd.	17
320	Woven fabrics, n.e.s..	1.0	Syd.	21
	Wool:			
410	Wollen and worsted.	1.0	Syd.	31
411	Tapestry and upholstery.	1.0	Syd.	33
425	Knit	2.0	Lb.	33
429	Other fabrics, n.e.s..	1.0	Syd.	33
	Man-made fiber:			
610	Cont., cell., woven	1.0	Syd.	34
611	Spun cell., woven	1.0	Syd.	34
612	Cont. non-cell., woven.	1.0	Syd.	34
613	Spun non-cell., woven.	1.0	Syd.	35
614	Woven fabric, n.e.s..	1.0	Syd.	37
625	Knit	7.8	Lb.	39
626	Pile and tufted	1.0	Syd.	40
627	Specialty	7.8	Lb.	40
	Section 3—Apparel			
	Cotton:			
330	Handkerchiefs	1.7	Dz. 43	
331	Gloves	3.5	Dpr.	44
332	Hosiery	4.6	Dpr.	45
333	Suit-type coats, M&B.	36.2	Dz.	46
334	Other coats, M&B	41.3	Dz.	46
335	Coats, W.G.I.	41.3	Dz.	47

INDEX AND CONVERSION TABLE—Continued

Category No.	Description	Conversion factor	Unit of measure	Page
336	Dresses	45.3	Dz.	49
337	Playsuits	25.0	Dz.	50
338	Knit shirts, M&B	7.2	Dz.	51
339	Knit shirts & blouses, W.G.I..	7.2	Dz.	53
340	Shirts, not knit, M&B.	24.0	Dz.	54
341	Blouses, not knit, W.G.I..	14.5	Dz.	54
342	Skirts	17.8	Dz.	55
345	Sweaters	36.8	Dz.	56
347	Trousers, M&B	17.8	Dz.	56
348	Trousers, W.G.I.	17.8	Dz.	57
349	Brassieres, etc.	4.8	Dz.	58
350	Dressing gowns	51.0	Dz.	59
351	Nightwear	52.0	Dz.	60
352	Underwear	11.0	Dz.	61
353	Down-filled coats, M&B.	41.3	Dz.	62
354	Down-filled coats, WG&I.	41.3	Dz.	62
359	Other apparel	4.6	Lb.	62
	Wool:			
431	Gloves	2.1	Dpr.	66
432	Hosiery	2.8	Dpr.	66
433	Suite-type coats, M&B.	36.0	Dz.	67
434	Other coats, M&B	54.0	Dz.	67
435	Coats, W.G.I.	54.0	Dz.	68
436	Dresses	49.2	Dz.	68
438	Knit shirts & blouses.	15.0	Dz.	69
440	Shirts & blouses, not knit.	24.0	Dz.	69
442	Skirts	18.0	Dz.	70
443	Suits, M&B	54.0	Dz.	71
444	Suits, W.G.I.	54.0	Dz.	71
445	Sweaters, M&B	14.88	Dz.	72
446	Sweaters, W.G.I.	14.88	Dz.	72
447	Trousers, M&B	18.0	Dz.	73
448	Trousers, W.G.I.	18.0	Dz.	73
459	Other Wool Apparel.	2.0	Lb.	74
	Man-fiber:			
630	Handkerchiefs	1.7	Dz.	79
631	Gloves	3.5	Dpr.	79
632	Hosiery	4.6	Dpr.	79
633	Suit-Type coats, M&B.	36.2	Dz.	80
634	Other coats, M&B	41.3	Dz.	80
635	Coats, W.G.I.	41.3	Dz.	82
636	Dresses	45.3	Dz.	83
637	Playsuits	21.3	Dz.	84
638	Knit shirts, M&B	18.0	Dz.	85
639	Knits shirts and blouses, W.G.I..	15.0	Dz.	85
640	Shirts, not knit, M&B.	24.0	Dz.	86
641	Blouses, not knit, W.G.I..	14.5	Dz.	87
642	Skirts	17.8	Dz.	88
643	Suits, M&B	54.0	Dz.	88
644	Suits, W.G.I.	54.0	Dz.	89
645	Sweaters, M&B	36.8	Dz.	89
646	Sweaters, W.G.I.	36.8	Dz.	89
647	Trousers, M&B	17.8	Dz.	90
648	Trousers, W.G.I.	17.8	Dz.	91
649	Brassieres, etc.	4.8	Dz.	92
650	Dressing gowns	51.0	Dz.	92
651	Nightwear	51.0	Dz.	92
652	Underwear	16.0	Dz.	94
653	Down-filled coats, M&B.	41.3	Dz.	94
654	Down-filled coats, WG&I.	41.3	Dz.	94
659	Other apparel	7.8	Lb.	94

INDEX AND CONVERSION TABLE—Continued

Category No.	Description	Conversion factor	Unit of measure	Page
	Section 4—Made-ups and Miscellaneous			
	Cotton:			
360	Pillowcases	1.1	No.	99
361	Sheets	6.2	No.	99
362	Bedspreads and quilts.	6.9	No.	99
363	Terry and other pile towels.	0.5	No.	100
369	Other cotton manufactures.	4.6	Lb.	100
	Wool:			
464	Blankets	1.3	Lb.	109
465	Floor coverings	0.1	Sft.	109
469	Other wool manufactures.	2.0	Lb.	110
	Man-made fiber:			
665	Floor coverings	0.1	Sft.	113
666	Other furnishings	7.8	Lb.	113
669	Other man-made manufactures.	7.8	Lb.	115
670	Flat Goods, Handbags and Luggage.	2.0	Lb.	117
	Section 5—Cross Reference			
	Correlation of Tariff Schedules of the United states Annotated Numbers in Numerical Sequence by Textile and Apparel Category.			

BILLING CODE 3510-25-M

TEXTILE AND APPAREL CATEGORIES BY TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED

- CROSS REFERENCE -

COTTON, WOOL, AND MAN-MADE FIBER TSUSA CLASSED BY CATEGORY SECTION 5

TSUSA	CAT.	TSUSA	CAT.	TSUSA	CAT.	TSUSA	CAT.
300.6020	300	310.2110	601	321.—08	319	323.—88	320
300.6022	300	310.2130	602	321.—22	320	323.—90	320
300.6024	300	310.2150	602	321.—24	320	323.—92	320
300.6026	301	310.4005	600	321.—26	314	323.—94	320
300.6028	301	310.4015	600	321.—28	314	324.—22	320
301.—00	300	310.4027	604	321.—30	315	324.—24	320
302.—20	300	310.4030	603	321.—32	315	324.—48	316
302.—22	300	310.4046	604	321.—44	313	324.—50	316
302.—24	300	310.4047	604	321.—46	313	324.—52	369
302.—26	301	310.4050	604	321.—54	317	324.—54	317
302.—28	301	310.5005	600	321.—58	317	324.—58	317
303.1000	369	310.5015	600	321.—60	317	324.—60	317
303.2040	369	310.5030	603	321.—64	317	324.—64	317
303.2042	369	310.5046	604	321.—68	320	324.—68	320
307.3000	469	310.5047	604	321.—70	320	324.—70	320
307.5000	400	310.5049	604	321.—76	320	324.—76	320
307.5200	400	310.5051	604	321.—78	320	324.—78	320
307.6000	469	310.6029	600	321.—88	320	324.—88	320
307.6200	400	310.6034	600	321.—90	320	324.—90	320
307.6600	400	310.6038	600	321.—92	320	324.—92	320
307.6810	400	310.8000	605	321.—94	320	324.—94	320
307.6820	400	310.9000	605	322.—01	319	325.—18	310
307.6830	400	310.9120	605	322.—02	319	325.—20	310
307.6840	400	310.9140	605	322.—03	319	325.—22	320
307.6850	400	315.0500	369	322.—04	319	325.—24	320
308.6000	605	315.1000	369	322.—06	319	325.—48	316
308.6500	605	315.1500	369	322.—08	319	325.—50	316
308.6600	605	316.4000	469	322.—18	310	325.—52	369
308.7000	605	316.5500	605	322.—20	310	325.—54	317
308.7100	605	316.5800	605	322.—22	320	325.—56	317
308.7500	605	319.2100	320	322.—24	320	325.—58	317
309.9800	605	319.2300	320	322.—26	314	325.—60	317
309.9900	605	319.2500	320	322.—28	314	325.—62	317
310.0106	600	319.2700	320	322.—30	315	325.—64	317
310.0109	600	319.2900	320	322.—32	315	325.—68	320
310.0110	600	320.—01	319	322.—44	313	325.—70	320
310.0114	600	320.—02	319	322.—46	313	325.—72	318
310.0130	601	320.—03	319	322.—54	317	325.—74	318
310.0149	602	320.—04	319	322.—56	317	325.—76	320
310.0150	602	320.—06	319	322.—58	317	325.—78	320
310.0170	602	320.—08	319	322.—60	317	325.—80	318
310.0206	600	320.—22	320	322.—62	317	325.—82	318
310.0209	600	320.—24	320	322.—64	317	325.—84	318
310.0210	600	320.—26	314	322.—68	320	325.—86	318
310.0214	600	320.—28	314	322.—70	320	325.—88	320
310.0230	601	320.—30	315	322.—72	318	325.—90	320
310.0249	602	320.—32	315	322.—74	318	325.—92	320
310.0250	602	320.—36	313	322.—76	320	325.—94	320
310.0270	602	320.—38	313	322.—78	320	326.—01	319
310.0510	601	320.—40	313	322.—80	318	326.—02	319
310.0530	602	320.—42	313	322.—82	318	326.—03	319
310.0550	602	320.—44	313	322.—84	318	326.—04	319
310.0610	601	320.—46	313	322.—86	318	326.—06	319
310.0630	602	320.—54	317	322.—88	320	326.—08	319
310.0650	602	320.—58	317	322.—90	320	326.—22	320
310.1015	600	320.—60	317	322.—92	320	326.—24	320
310.1030	601	320.—64	317	322.—94	320	326.—26	314
310.1050	602	320.—68	320	323.—22	320	326.—28	314
310.1070	602	320.—70	320	323.—24	320	326.—30	315
310.1106	600	320.—76	320	323.—48	316	326.—32	315
310.1109	600	320.—78	320	323.—50	316	326.—36	313
310.1110	600	320.—88	320	323.—52	369	326.—38	313
310.1114	600	320.—90	320	323.—54	317	326.—40	313
310.1135	601	320.—92	320	323.—58	317	326.—42	313
310.1150	602	320.—94	320	323.—60	317	326.—44	313
310.1155	602	321.—01	319	323.—64	317	326.—46	313
310.1170	602	321.—02	319	323.—68	320	326.—54	317
310.2010	601	321.—03	319	323.—70	320	326.—58	317
310.2030	602	321.—04	319	323.—76	320	326.—60	317
310.2050	602	321.—06	319	323.—78	320	326.—64	317

TEXTILE AND APPAREL CATEGORIES BY TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED

- CROSS REFERENCE -

COTTON, WOOL, AND MAN-MADE FIBER TSUSA CLASSED BY CATEGORY SECTION 5

TSUSA	CAT.	TSUSA	CAT.	TSUSA	CAT.	TSUSA	CAT.
326.—68	320	329.—22	320	336.2000	410	338.5039	613
326.—70	320	329.—24	320	336.2500	410	338.5041	613
326.—76	320	329.—48	316	336.3000	410	338.5042	613
326.—78	320	329.—50	316	336.3500	410	338.5043	613
326.—88	320	329.—52	369	336.4000	410	338.5044	613
326.—90	320	329.—54	317	336.5000	410	338.5045	613
326.—92	320	329.—58	317	336.5500	410	338.5046	613
326.—94	320	329.—60	317	336.6241	410	338.5047	611
327.—01	319	329.—64	317	336.6243	410	338.5048	611
327.—02	319	329.—68	320	336.6247	410	338.5049	613
327.—03	319	329.—70	320	336.6249	410	338.5050	613
327.—04	319	329.—76	320	336.6251	410	338.5053	613
327.—06	319	329.—78	320	336.6253	410	338.5054	613
327.—08	319	329.—88	320	336.6255	410	338.5055	613
327.—22	320	329.—90	320	336.6257	410	338.5059	613
327.—24	320	329.—92	320	336.6241	410	338.5061	613
327.—26	314	329.—94	320	336.6441	410	338.5064	611
327.—28	314	330.—22	320	336.6443	410	338.5065	613
327.—30	315	330.—24	320	336.6447	410	338.5066	613
327.—32	315	330.—48	316	336.6449	410	338.5069	613
327.—44	313	330.—50	316	336.6451	410	339.0500	410
327.—46	313	330.—52	369	336.6453	410	345.1020	369
327.—54	317	330.—54	317	336.6455	410	345.1040	369
327.—58	317	330.—58	317	336.6457	410	345.1065	369
327.—60	317	330.—60	317	337.5030	410	345.1075	425
327.—64	317	330.—64	317	337.5050	410	345.1085	625
327.—68	320	330.—68	320	337.5500	410	345.3020	425
327.—70	320	330.—70	320	337.6025	614	345.3040	425
327.—76	320	330.—76	320	337.6800	614	345.3505	369
327.—78	320	330.—78	320	337.8025	614	345.3515	425
327.—88	320	330.—88	320	337.9025	614	345.3525	625
327.—90	320	330.—90	320	338.1000	614	345.5011	625
327.—92	320	330.—92	320	338.1515	614	345.5015	625
327.—94	320	330.—94	320	338.1520	614	345.5018	625
328.—01	319	331.—18	310	338.1530	614	345.5031	625
328.—02	319	331.—20	310	338.1540	614	345.5033	625
328.—03	319	331.—22	320	338.1550	614	345.5035	625
328.—04	319	331.—24	320	338.1560	614	345.5037	625
328.—06	319	331.—48	316	338.1570	614	345.5051	625
328.—08	319	331.—50	316	338.1580	614	345.5053	625
328.—18	310	331.—52	369	338.2500	614	345.5055	625
328.—20	310	331.—54	317	338.2700	614	345.5057	625
328.—22	320	331.—56	317	338.5001	614	345.5071	625
328.—24	320	331.—58	317	338.5002	614	345.5073	625
328.—26	314	331.—60	317	338.4003	610	345.5075	625
328.—28	314	331.—62	317	338.4004	612	345.5077	625
328.—30	315	331.—64	317	338.4005	612	346.0500	312
328.—32	315	331.—68	320	338.5006	610	346.1000	312
328.—44	313	331.—70	320	338.5007	610	346.1500	311
328.—46	313	331.—72	318	338.5008	612	346.2000	311
328.—54	317	331.—74	318	338.5009	612	346.2200	311
328.—56	317	331.—76	320	338.5010	612	346.2400	311
328.—58	317	331.—78	320	338.5011	612	346.3000	320
328.—60	317	331.—80	318	338.5012	612	346.3200	320
328.—62	317	331.—82	318	338.5013	612	346.3525	320
328.—64	317	331.—84	318	338.5015	612	346.3530	320
328.—68	320	331.—86	318	338.5017	612	346.3545	320
328.—70	320	331.—88	320	338.5018	612	346.3550	320
328.—72	318	331.—90	320	338.5019	612	346.4000	320
328.—74	318	331.—92	320	338.5020	612	346.4510	320
328.—76	320	331.—94	320	338.5021	612	346.4560	369
328.—78	320	332.1020	320	338.5024	614	346.5005	369
328.—80	318	332.1040	320	338.5025	614	346.5015	429
328.—82	318	332.4020	320	338.5026	614	346.5025	626
328.—84	318	332.4040	320	338.5029	614	346.5200	429
328.—86	318	335.5500	410	338.5032	614	346.5605	369
328.—88	320	335.6000	614	338.5033	614	346.5615	429
328.—90	320	336.1000	410	338.5034	611	346.5625	626
328.—92	320	336.1520	410	338.5035	613	346.6010	626
328.—94	320	336.1540	410	338.5036	613	346.6020	626

TEXTILE AND APPAREL CATEGORIES BY TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED

- CROSS REFERENCE -

COTTON, WOOL, AND MAN-MADE FIBER TSUSA CLASSED BY CATEGORY SECTION 5

TSUSA	CAT.	TSUSA	CAT.	TSUSA	CAT.	TSUSA	CAT.
346.6030	626	353.5054	627				
346.6045	626	353.5056	627	361.5000	369	365.8610	469
346.6050	626	355.0200	369	361.5420	369	365.8620	469
346.6065	626	355.1500	469	361.5426	665	365.8640	666
346.7000	320	355.1600	469	361.5610	665	365.8660	666
346.8200	429	355.1800	469	361.5630	369	365.8670	666
346.9000	626	355.2500	669	361.5650	665	365.8680	666
347.1000	369	355.3500	369	361.8000	469	366.0300	369
347.1500	369	355.4520	669	363.0120	360	366.0600	369
347.2600	369	355.4530	669	363.0140	361	366.0900	369
347.3320	369	355.5000	320	363.0510	369	366.1520	369
347.3340	369	355.6000	627	363.0515	362	366.1820	369
347.3380	369	355.8210	627	363.0520	362	366.1840	369
347.4000	469	355.8220	627	363.0525	369	366.1855	369
347.5500	627	357.0512	320	363.1020	464	366.1865	363
347.6020	627	357.0514	320	363.1040	464	366.1880	363
347.6040	627	357.0516	320	363.1500	410	366.2120	369
347.6500	627	357.0518	320	363.2000	469	366.2140	369
347.6800	627	357.1000	411	363.2562	666	366.2160	363
347.6900	627	357.1500	411	363.2564	666	366.2180	363
347.7000	627	357.2000	429	363.2575	666	366.2420	369
348.0065	669	357.3500	627	363.2580	666	366.2440	369
348.0075	669	357.4500	627	363.3010	361	366.2460	363
348.0080	669	357.6040	469	363.3020	360	366.2480	363
348.0510	369	357.6060	627	363.3030	361	366.2720	363
348.0540	469	357.7010	369	363.3040	360	366.2740	369
348.0565	669	357.7040	469	363.4000	369	366.2760	369
348.0575	669	357.7060	669	363.4500	369	366.2780	369
348.0580	669	357.8010	369	363.5015	362	366.4200	369
349.1060	605	357.8060	627	363.5030	362	366.4500	369
349.1095	369	358.0510	369	363.5115	362	366.4600	369
349.1500	369	358.3000	469	363.5130	362	366.4700	369
349.2540	627	358.3500	469	363.5515	362	366.5720	369
349.3060	627	359.1030	369	363.5530	362	366.6000	369
349.3095	369	359.3000	469	363.6015	362	366.6300	369
350.0060	627	359.5000	627	363.6030	369	366.6500	369
351.0500	369	360.0600	465	363.6520	464	366.6900	369
351.2040	469	360.1015	465	363.6540	464	366.7500	369
351.2060	627	360.1515	465	363.7000	410	366.7700	369
351.2510	369	360.2000	369	363.7500	469	366.7925	369
351.2540	469	360.2500	369	363.8512	666	366.7930	369
351.2560	627	360.3000	369	363.8515	666	367.0500	469
351.3000	627	360.4000	465	363.8525	666	367.1000	469
351.4010	369	360.4215	465	363.8545	666	367.1500	469
351.4610	369	360.4225	465	363.8550	666	367.2000	469
351.4660	627	360.4330	665	363.8555	666	367.2500	469
351.5010	369	360.4335	665	364.0700	320	367.3424	469
351.5060	627	360.4815	465	364.1300	369	367.3428	469
351.6010	369	360.4825	465	364.1600	369	367.5000	666
351.7060	627	360.4830	665	364.2000	411	367.5500	666
351.8010	369	360.4835	665	364.2300	411	367.5900	666
351.8040	469	360.6500	465	364.3000	666	367.6025	666
351.8060	627	360.7000	465	365.0000	369	367.6035	666
351.9060	627	360.7600	369	365.1110	469	367.6040	666
351.9095	369	360.7800	665	365.1120	666	367.6080	666
352.1000	369	360.8100	369	365.2000	666	370.0400	330
352.2060	627	360.8300	665	365.3160	666	370.0800	330
352.3000	669	361.0510	369	365.3560	666	370.1600	330
352.4000	669	361.0520	465	365.4010	369	370.2100	630
352.5000	369	361.0530	665	365.4560	666	370.2400	330
352.8010	369	361.0700	465	365.5010	369	370.2800	330
352.8060	627	361.1000	465	365.5060	666	370.3200	330
353.1000	369	361.1820	369	365.6800	666	370.3600	330
353.5012	369	361.1840	665	365.7410	369	370.4000	330
353.5014	369	361.2405	465	365.7460	666	370.4400	330
353.5016	369	361.2410	665	365.7700	369	370.4800	330
353.5032	469	361.4200	465	365.7815	369	370.5200	330
353.5034	469	361.4500	465	365.7817	369	370.5600	330
353.5036	469	361.4600	465	365.7825	369	370.6020	330
353.5052	627	361.4800	465	365.7855	369	370.6040	330
				365.7865	369	370.6420	330

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- CROSS REFERENCE -

COTTON, WOOL, AND MAN-MADE FIBER TSUSA CLASSED BY CATEGORY SECTION 5

TSUSA	CAT.	TSUSA	CAT.	TSUSA	CAT.	TSUSA	CAT.
370.6440	330	378.1035	352	379.2640	645	379.5530	340
370.6820	330	378.1520	352	379.2650	645	379.5535	340
370.6840	330	378.1530	352	379.2810	650	379.5540	340
370.8820	630	378.1535	352	379.2820	651	379.5545	340
370.8840	630	378.1540	352	379.2830	637	379.5550	340
372.0400	369	378.2011	352	379.2840	659	379.5555	340
372.0600	669	378.2030	352	379.3110	633	379.5560	340
372.1010	359	378.2510	352	379.3120	634	379.5565	340
372.1020	459	378.2530	352	379.3130	640	379.5600	359
372.1030	659	378.3510	459	379.3140	640	379.5700	359
372.1040	359	378.3530	459	379.3150	640	379.5800	359
372.1050	459	378.4000	459	379.3160	643	379.6005	347
372.1060	659	378.4500	459	379.3170	659	379.6010	359
372.1520	359	378.6015	652	379.3180	647	379.6210	347
372.1540	359	378.6020	652	379.3190	647	379.6215	333
372.1560	359	378.6030	652	379.3310	650	379.6220	347
372.2500	459	378.6511	652	379.3320	651	379.6230	347
372.3000	459	378.6530	652	379.3330	659	379.6240	347
372.3500	459	379.0005	347	379.3332	634	379.6250	347
372.4000	459	379.0010	359	379.3334	640	379.6260	347
372.4500	459	379.0205	333	379.3336	640	379.6270	347
372.7000	659	379.0210	333	379.3338	647	379.6280	359
372.7520	659	379.0215	334	379.3340	659	379.6300	359
372.7540	659	379 0220	338	379.3510	359	379.6410	359
373.1000	359	379.0230	338	379.3520	459	379.6420	337
373.1500	459	379.0240	338	379.3530	659	379.6430	337
373.2500	659	379.0250	345	379.3700	359	379.6440	351
373.2700	659	379.0260	347	379.3905	334	379.6445	334
374.0500	332	379.0270	359	379.3910	333	379.6455	340
374.1000	332	379.0405	350	379.3915	333	379.6450	350
374.1500	332	379.0410	351	379.3925	334	379.6470	359
374.2000	432	379.0415	337	379.3930	347	379.6605	359
374.2500	432	379.0490	359	379.3940	347	379.6615	459
374.3000	432	379.0605	333	379.3950	359	379.6625	659
374.3530	632	379.0610	333	379.4010	352	379.6904	333
374.3550	632	379.0615	334	379.4020	338	379.6908	334
374.4000	332	379.0620	340	379.4030	338	379.6912	340
374.4500	332	379.0630	347	379.4040	338	379.6924	347
374.5020	432	379.0640	347	379.4050	338	379.6929	359
374.5040	432	379.0645	347	379.4060	345	379.6934	433
374.6020	632	379.0650	359	379.4070	345	379.6936	434
374.6040	632	379.0660	359	379.4110	350	379.6937	434
376.0420	369	379.0810	350	379.4120	351	379.6942	440
376.0800	469	379.0820	351	379.4130	337	379.6946	443
376.1600	659	379.0825	337	379.4140	359	379.6954	447
376.2425	349	379.0830	359	379.4310	334	379.6958	459
376.2430	649	379.0833	334	379.4320	333	379.6964	633
376.2466	349	379.0836	340	379.4330	334	379.6968	634
376.2470	649	379.0840	359	379.4500	334	379.6972	640
376.2825	349	379.1100	459	379.4610	334	379.6976	643
376.2830	649	379.1300	459	379.4615	334	379.6984	647
376.2866	349	379.1510	438	379.4620	333	379.6988	659
376.2886	649	379.1520	445	379.4630	333	379.7100	459
376.5408	334	379.1530	459	379.4640	333	379.7240	445
376.5412	335	379.1710	433	379.4650	334	379.7250	445
376.5420	359	379.1720	434	379.4660	334	379.7295	459
376.5609	634	379.1730	440	379.4670	334	379.7400	445
376.5612	635	379.1740	443	379.4810	350	379.7510	434
376.5618	647	379.1750	447	379.4820	350	379.7530	459
376.5623	648	379.2010	459	379.4910	350	379.7605	438
376.5630	659	379.2020	459	379.4920	350	379.7610	445
378.0540	352	379.2310	633	379.5100	351	379.7620	445
378.0545	652	379.2320	634	379.5210	351	379.7630	445
378.0550	352	379.2330	643	379.5211	351	379.7640	445
378.0553	652	379.2340	659	379.5220	351	379.7650	459
378.0561	352	379.2350	647	379.5221	351	379.7810	433
378.0565	652	379.2360	647	379.5400	340	379.7820	434
378.0571	352	379.2610	638	379.5510	340	379.7830	440
378.0576	652	379.2620	638	379.5520	340	379.7840	443
378.1030	352	379.2630	638	379.5525	340	379.7850	447

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- CROSS REFERENCE -

COTTON, WOOL, AND MAN-MADE FIBER TSUSA CLASSED BY CATEGORY SECTION 5

TSUSA	CAT.	TSUSA	CAT.	TSUSA	CAT.	TSUSA	CAT.
379.7900	459	379.9645	659	383.1340	459	383.2525	659
379.8100	459	379.9805	359	383.1505	440	383.2550	359
379.8311	433	379.9815	459	383.1510	435	383.2560	459
379.8312	433	379.9825	659	383.1605	459	383.2570	641
379.8315	434	383.0005	336	383.1610	442	383.2575	636
379.8318	434	383.0010	342	383.1615	444	383.2580	659
379.8340	440	383.0015	348	383.1617	440	383.2706	339
379.8351	443	383.0020	359	383.1620	459	383.2707	339
379.8352	443	383.0205	339	383.1802	639	383.2708	339
379.8355	443	383.0206	339	383.1803	639	383.2709	339
379.8360	447	383.0210	339	383.1807	639	383.2720	339
379.8410	459	383.0211	339	383.1808	639	383.2725	339
379.8420	459	383.0215	339	383.1815	659	383.2730	339
379.8605	359	383.0218	339	383.1820	639	383.2731	339
379.8615	459	383.0221	339	383.1841	639	383.2750	345
379.8625	659	383.0225	339	383.1842	639	383.2751	345
379.8705	359	383.0233	345	383.1857	646	383.2805	335
379.8715	459	383.0240	335	383.1860	646	383.2810	335
379.8725	659	383.0250	335	383.1905	635	383.2815	335
379.8904	633	383.0260	348	383.1910	635	383.2820	348
379.8905	633	383.0265	342	383.1915	644	383.2830	348
379.8906	634	383.0290	359	383.1920	659	383.2835	348
379.8910	634	383.0305	336	383.1925	639	383.2836	348
379.8915	647	383.0306	336	383.1930	648	383.2850	359
379.8920	643	383.0320	350	383.1935	648	383.2910	336
379.8925	643	383.0330	351	383.1940	648	383.2920	336
379.8930	647	383.0335	337	383.2005	659	383.3010	350
379.8935	647	383.0340	342	383.2013	636	383.3020	351
379.8940	647	383.0350	359	383.2014	636	383.3030	337
379.9010	638	383.0355	339	383.2016	636	383.3040	342
379.9025	638	383.0360	345	383.2020	650	383.3050	339
379.9030	638	383.0390	359	383.2025	651	383.3060	359
379.9035	645	383.0505	341	383.2030	632	383.3065	339
379.9040	645	383.0506	341	383.2035	637	383.3070	345
379.9100	659	383.0520	335	383.2040	642	383.3075	335
379.9205	650	383.0570	340	383.2050	659	383.3080	348
379.9210	651	383.0605	335	383.2052	639	383.3085	336
379.9220	637	383.0610	348	383.2056	635	383.3090	359
379.9250	659	383.0611	348	383.2054	646	383.3200	335
379.9405	640	383.0615	348	383.2058	648	383.3300	335
379.9410	647	383.0616	348	383.2060	659	383.3405	335
379.9415	659	383.0620	348	383.2205	641	383.3410	335
379.9505	634	383.0630	359	383.2210	641	383.3415	335
379.9510	633	383.0632	342	383.2215	641	383.3420	335
379.9515	633	383.0635	359	383.2220	635	383.3425	335
379.9520	634	383.0805	336	383.2225	635	383.3430	335
379.9525	634	383.0810	336	383.2230	644	383.3435	335
379.9530	634	383.0815	336	383.2235	659	383.3440	335
379.9535	640	383.0820	350	383.2240	648	383.3445	335
379.9540	640	383.0825	351	383.2245	648	383.3446	335
379.9545	640	383.0830	337	383.2250	648	383.3448	335
379.9550	640	383.0835	337	383.2305	636	383.3450	335
379.9555	640	383.0838	342	383.2310	636	383.3452	335
379.9560	643	383.0841	342	383.2315	636	383.3460	335
379.9565	643	383.0844	342	383.2320	650	383.3465	335
379.9570	659	383.0850	359	383.2325	651	383.3466	335
379.9575	647	383.0855	359	383.2330	637	383.3600	350
379.9580	647	383.0856	341	383.2335	637	383.3710	350
379.9585	647	383.0857	335	383.2340	642	383.3770	350
379.9605	659	383.0858	340	383.2345	659	383.3900	351
379.9610	637	383.0859	348	383.2350	659	383.4010	351
379.9615	637	383.0860	359	383.2352	641	383.4015	351
379.9620	650	383.1000	459	383.2354	635	383.4200	359
379.9625	651	383.1200	435	383.2356	648	383.4300	359
379.9630	651	383.1305	438	383.2358	646	383.4505	341
379.9635	659	383.1310	436	383.2360	659	383.4510	336
379.9637	634	383.1315	442	383.2505	359	383.4515	342
379.9639	640	383.1320	446	383.2510	459	383.4520	348
397.9641	640	383.1335	444	383.2515	639	383.4525	359
379.9643	647	383.1337	435	383.2520	636	383.4702	341

TEXTILE AND APPAREL CATEGORIES BY TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED

- CROSS REFERENCE -

COTTON, WOOL, AND MAN-MADE FIBER TSUSA CLASSED BY CATEGORY SECTION 5

TSUSA	CAT.	TSUSA	CAT.	TSUSA	CAT.	TSUSA	CAT.
383.4704	341	383.5308	335	383.7724	438	383.8815	642
383.4705	341	383.5312	336	383.7728	436	383.8820	648
383.4707	341	383.5316	342	383.7732	446	383.8825	659
383.4709	341	383.5322	359	383.7736	448	383.9010	641
383.4711	341	383.5326	348	383.7742	459	383.9015	641
383.4715	335	383.5332	359	383.7744	639	383.9020	641
383.4720	340	383.5334	440	383.7748	636	383.9025	641
383.4721	340	383.5338	435	383.7752	646	383.9030	641
383.4730	348	383.5342	436	383.7756	648	383.9035	635
383.4747	348	383.5346	442	383.7762	659	383.9036	635
383.4749	348	383.5352	444	383.7804	341	383.9040	635
383.4753	348	383.5356	448	383.7808	336	383.9041	635
383.4755	348	383.5362	459	383.7812	350	383.9050	635
383.4757	348	383.5364	641	383.7814	351	383.9051	635
383.4759	348	383.5368	635	383.7818	348	383.9060	644
383.4761	348	383.5372	636	383.7822	359	383.9065	648
383.4763	348	383.5376	642	383.7824	440	383.9070	648
383.4765	342	383.5382	644	383.7828	436	383.9071	648
383.4770	359	383.5386	648	383.7832	459	383.9210	659
383.4814	336	383.5392	659	383.7834	459	383.9211	637
383.4816	336	383.5500	459	383.7838	448	383.9215	637
383.4818	336	383.5700	435	383.7842	459	383.9220	636
383.4820	336	383.5810	438	383.7844	641	383.9225	636
383.4821	336	383.5820	436	383.7848	636	383.9230	636
383.4823	336	383.5825	442	383.7852	650	383.9235	650
383.4825	336	383.5830	446	383.7854	651	383.9240	651
383.4900	359	383.5840	435	383.7858	648	383.9245	642
383.5020	351	383.5845	459	383.7862	659	383.9246	642
383.5030	351	383.6000	446	383.8002	639	383.9255	659
383.5035	359	383.6200	435	383.8003	639	383.9260	659
383.5036	337	383.6310	438	383.8004	639	383.9265	659
383.5040	337	383.6330	436	383.8005	639	383.9270	641
383.5045	337	383.6340	442	383.8006	659	383.9273	635
383.5047	337	383.6345	444	383.8043	639	383.9276	648
383.5049	337	383.6350	446	383.8044	639	383.9290	659
383.5052	342	383.6360	446	383.8045	639	383.9505	359
383.5053	342	383.6371	446	383.8047	639	383.9515	459
383.5062	342	383.6372	446	383.8070	646	383.9525	659
383.5063	342	383.6385	448	383.8073	646	385.2000	469
383.5067	342	383.6390	435	383.8105	635	385.2500	369
383.5069	342	383.6395	459	383.8110	635	385.3000	369
383.5072	342	383.6510	440	383.8115	635	385.4000	369
383.5073	342	383.6520	435	383.8116	635	385.5300	669
383.5075	359	383.6610	436	383.8125	644	385.5500	369
383.5078	335	383.6620	459	383.8126	644	385.6000	369
383.5080	350	383.6630	442	383.8135	639	385.6120	669
383.5082	341	383.6640	444	383.8140	648	385.6140	669
383.5084	340	383.6650	448	383.8145	648	385.7020	369
383.5086	348	383.6655	440	383.8146	648	385.7040	669
383.5088	336	383.6660	435	383.8160	648	385.7520	369
383.5090	359	383.6690	459	383.8300	659	385.7540	669
383.5204	339	383.6800	459	383.8400	659	385.8000	369
383.5208	336	383.7000	440	383.8605	659	385.8500	669
383.5212	342	383.7205	435	383.8620	636	386.0410	369
383.5216	345	383.7210	435	383.8621	636	386.0600	469
383.5222	348	383.7510	436	383.8622	636	386.0700	669
383.5226	359	383.7520	459	383.8630	650	386.0930	669
383.5234	438	383.7530	448	383.8635	651	386.5010	369
383.5238	436	383.7540	442	383.8640	632	388.1000	469
383.5242	442	383.7550	444	383.8645	637	388.2000	469
383.5246	446	383.7560	448	383.8650	659	388.3000	469
383.5252	448	383.7565	440	383.8660	642	388.4000	469
383.5256	459	383.7570	435	383.8661	642	389.6210	669
383.5264	639	383.7576	440	383.8663	639	389.6240	669
383.5268	636	383.7590	459	383.8665	645	700.7510	459
383.5272	642	383.7704	339	383.8667	635	700.7520	459
383.5276	646	383.7708	336	383.8669	648	700.7530	459
383.5282	648	383.7712	345	383.8670	659	700.7540	459
383.5286	659	383.7716	348	383.8805	635	700.7550	459
383.5304	341	383.7722	359	383.8810	636	700.7560	459

TEXTILE AND APPAREL CATEGORIES BY TARIFF SCHEDULES
OF THE UNITED STATES ANNOTATED

- CROSS REFERENCE -

COTTON, WOOL, AND MAN-MADE FIBER TSUSA CLASSED BY CATEGORY
SECTION 5

TSUSA	CAT.
702.0600	359
702.1200	359
702.5400	459
702.5600	459
702.6000	459
702.6500	459
702.7000	459
702.7500	459
702.8000	459
703.0500	659
703.1000	659
703.1515	659
703.9000	669
703.9500	669
704.0520	331
704.0555	331
704.1020	331
704.1055	331
704.1520	331
704.1555	331
704.2000	431
704.2500	431
704.3000	431
704.3220	631
704.3240	631
704.4010	331
704.4025	331
704.4055	331
704.4502	331
704.4504	331
704.4506	331
704.4508	331
704.4522	331
704.4524	331
704.4526	331
704.4555	331
704.5015	331
704.5055	331
704.5500	431
704.5600	431
704.6000	431
704.6500	431
704.7000	431
704.8520	631
704.8550	631
704.9000	631
706.2015	369
706.3400	670
706.2240	369
706.2250	369
706.2280	369
706.2806	369
706.2811	369
706.2821	369
706.3900	670
706.4140	670
706.4150	670
727.8200	369
748.4541	353
748.4543	353
748.4545	354
748.4547	354
748.4549	354
748.4553	653
748.4555	653
748.4563	654
748.4565	654
748.4570	654
791.7402	359
791.7412	333
791.7413	334
791.7415	335
791.7420	348
791.7426	359
791.7430	459
791.7440	459
791.7454	645
791.7455	646
791.7458	648
791.7459	633
791.7460	634
791.7461	635
791.7464	659
791.7470	633
791.7471	634
791.7473	635
791.7480	647
791.7481	648
791.7484	659

[FR Doc. 82-33496 Filed 12-10-82; 8:45 am]
BILLING CODE 3510-25-C

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Weapons Panel; Meeting

November 30, 1982.

The USAF Scientific Advisory Board Weapons Panel will meet at Los Alamos National Laboratory, Los Alamos, NM, on January 26–28, 1983. The purpose of the meeting will be to review nuclear programs and developments pertinent to USAF applications. The meeting will convene at 8:30 a.m. and adjourn at 5:00 p.m. on each day.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 697–4648.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 82–33714 Filed 12–10–82; 8:45 am]

BILLING CODE 3910–01–M

USAF Scientific Advisory Board Armament Division Advisory Group; Meeting

November 30, 1982

The USAF Scientific Advisory Board Armament Division Advisory Group will meet at Eglin AFB, FL, on January 6–7, 1982. The purpose of the meeting will be to review recent testing of all munitions and weapons that were mentioned in the 1981 Summer Study on conventional armament. The meeting will convene at 9:00 a.m. and adjourn at 5:00 p.m. on the 6th and will convene at 9:00 a.m. and adjourn at 2:00 p.m. on the 7th.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 697–4648.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 82–33715 Filed 12–10–82; 8:45 am]

BILLING CODE 3910–01–M

Department of the Army

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

School Official's Evaluation of Candidate, USMA Form 21–16.

Candidates to the US Military Academy are required to provide an academic evaluation. The academic evaluation then becomes a factor in the overall assessment of the candidate's ability to be a success at West Point.

Local school officials: 60,000 responses; 15,000 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, OASD(C), DIRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 697–1195.

A copy of the information collection proposal may be obtained from David O. Cochran, DAAG–OPI, Room 1D667, Pentagon, Washington, D.C. 20310, telephone (202) 695–5111.

Dated: December 7, 1982.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 82–33726 Filed 12–10–82; 8:45 am]

BILLING CODE 3710–08–M

Office of the Secretary

Privacy Act of 1974; Deletion of System Notice

AGENCY: Defense Advanced Research Projects Agency (DARPA).

ACTION: Deletion of system notice.

SUMMARY: The Defense Advanced Research Projects Agency proposed to delete the notice for system of records; E DARPA 004, "DARPA Personnel Files."

DATES: This deletion shall be effective December 13, 1982.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C–315, Pentagon, Washington, D.C. 20301. Telephone: 202/695–0970.

SUPPLEMENTARY INFORMATION: The deleted system is covered by the system notice for OPM/GOVT–1.

The Office of the Secretary of Defense systems notices for systems of records subject to the Privacy Act of 1974, Title 5, United States Code, Section 552a (Pub. L. 93–579; 44 Stat. 1896 et seq.) have been published in the **Federal Register** at:

FR Doc. 82–674 (47 FR 2544) January 18, 1982
FR Doc. 82–3758 (47 FR 6462) February 12, 1982
FR Doc. 82–21537 (47 FR 34441) August 9, 1982
FR Doc. 82–23920 (47 FR 38574) September 1, 1982
FR Doc. 82–24630 (47 FR 39561) September 8, 1982
FR Doc. 82–25638 (47 FR 41156) September 17, 1982
FR Doc. 82–25636 (47 FR 41162) September 17, 1982
FR Doc. 82–27105 (47 FR 43416) October 1, 1982
FR Doc. 82–27593 (47 FR 44382) October 7, 1982
FR Doc. 82–28509 (47 FR 46353) October 18, 1982
FR Doc. 82–28515 (47 FR 46355) October 18, 1982
FR Doc. 82–32786 (47 FR 54140) December 1, 1982

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

December 7, 1982.

Deletion

E DARPA 004

SYSTEM NAME:

DARPA Personnel Files (47 FR 2544, January 18, 1982)

Reason

This system of records is covered under the OPM/GOVT–1 system notice.

[FR Doc. 82–33731 Filed 12–10–82; 8:45 am]

BILLING CODE 3810–01–M

Privacy Act of 1974; Deletion of System Notice

AGENCY: DoD.

ACTION: Deletion of system notice.

SUMMARY: The Office of the Secretary of Defense proposes to delete the notice for a system of records: DMRA&L 20.0, "DoD Centralized Applicant Supply

System (CASS)," subject to the Privacy Act of 1974. This system has been phased out.

DATES: This deletion shall be effective December 13, 1982.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C315, Pentagon, Washington, D.C. 20301. Telephone: (202) 695–0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense (OSD) systems notices for systems of records subject to the Privacy Act of 1974, Title 5 United States Code, Section 552a (Pub. L. 93–579; 44 Stat. 1896 et seq.) have been published in the **Federal Register** at:

FR Doc. 82–674 (47 FR 2544) January 18, 1982
FR Doc. 82–3758 (47 FR 6462) February 12, 1982
FR Doc. 82–21537 (47 FR 34441) August 9, 1982
FR Doc. 82–23920 (47 FR 38574) September 1, 1982
FR Doc. 82–24630 (47 FR 39561) September 8, 1982
FR Doc. 82–25638 (47 FR 41156) September 17, 1982
FR Doc. 82–25636 (47 FR 41162) September 17, 1982
FR Doc. 82–27105 (47 FR 43416) October 1, 1982
FR Doc. 82–27593 (47 FR 44382) October 7, 1982
FR Doc. 82–28509 (47 FR 46353) October 18, 1982
FR Doc. 82–28515 (47 FR 46355) October 18, 1982
FR Doc. 82–32786 (47 FR 54140) December 1, 1982

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

December 7, 1982.

Deletion

DMRA&L 20.0

SYSTEM NAME:

DoD Centralized Applicant Supply System (CASS) (47 FR 2544, January 18, 1982)

Reason

This system has been phased out.

[FR Doc. 82–33732 Filed 12–10–82; 8:45 am]

BILLING CODE 3810–01–M

Defense Science Board Task Force on Electronic Warfare (Future Systems Subgroup); Advisory Committee Meeting

The Future Systems Subgroup of the Defense Science Board Task Force on Electronic Warfare will meet in closed session on 19–20 January 1983 in Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting on 19–20 January 1983, the Task Force will discuss the application of technology to future systems designed to improve U.S. Electronic Warfare capabilities.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. I, (1976)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c) (1) (1976), and that accordingly these meetings will be closed to the public.

Dated: December 7, 1982.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

[FR Doc. 82–33727 Filed 12–10–82; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[6COX00260]

Beta Energy Corporation and James R. Blakemore; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration of the Department of Energy hereby gives Notice of a Proposed Remedial Order which was issued to Beta Energy Corporation and James R. Blakemore of Tulsa, Oklahoma. This Proposed Remedial Order alleges violations in the pricing of crude oil of 10 CFR 212.186, 210.62(c) and 205.202. The total violation alleged for the period February 1979 through December 1980 is $1,811,966.26.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from: U.S. Department of Energy, Economic Regulatory Administration, Attn: John W. Sturges, Director, 440 S. Houston, Room 306, Tulsa, Oklahoma 74127.

Within 15 days of publication of this Notice any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, U.S. Department of Energy, 12th & Pennsylvania Avenue, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Tulsa, Oklahoma on the 3rd day of December 1982.

John W. Sturges,

Director, Tulsa Office, Economic Regulatory Administration.

[FR Doc. 82–33688 Filed 12–10–82; 8:45 am]

BILLING CODE 6450–01–M

Office of Energy Research

Materials R&D Panel, Energy Research Advisory Board; Meeting

Notice is hereby given of the following meeting:

Name: Materials R&D Panel of the Energy Research Advisory Board (ERAB). ERAB is a Committee Act (Pub. L. 92–463, 86 Stat. 770).

Date and Time: January 13, 1983, from 9 a.m. to 5 p.m.

Place: Department of Energy, Room 1E–245, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585

Contact: William Woodard, Energy Research Advisory Board, Department of Energy, Forrestal Building, ER–6, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone: 202/252–8933

Purpose of the parent board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide longrange guidance in these areas to the Department.

Tentative agenda:

- Introduction of members of Panel
- Discussion of the Panel's charge
- Discussion of Initial Working Outline for Draft Report
- Future meeting schedule
- Staff Briefings on materials R&D programs

Public participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact William Woodard at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson to the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 8:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on December 8, 1982.

J. Ronald Young

Director for Management Office of Energy Research.

[FR Doc. 82–33753 Filed 12–10–82; 8:45 am]

BILLING CODE 6450–01–M

University Research Panel, Energy Research Advisory Board; Meeting

Notice is hereby given of the following meeting:

Name: University Research Panel of the Energy Research Advisory Board (ERAB). ERAB is a Committee constituted under the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770).

Date and time: January 20, 1983, from 9 a.m. to 5 p.m.

Place: Department of Energy, Room 8E-089, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585

Contact: Mary Gant, Energy Research Advisory Board, Department of Energy, Forrestal Building, ER-6, 1000 Independence Avenue, SW., Washington, D.C. 20585, Telephone: 202/252-8933

Purpose of the parent board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative agenda:

- Introduction of members of Panel
- Discussion of the Panel's charge
- Discussion of Initial Working Outline for Draft Report
- Future meeting schedule
- Briefings on DOE university energy programs

Public participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Mary Gant at the address or telephone number listed above Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to couduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between 8:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on December 8, 1982.

J. Ronald Young,

Director for Management, Office of Energy Research.

[FR Doc. 82-33752 Filed 12-10-82; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Rate Order Confirming, Approving, and Placing a Power Rate Into Effect on an Interim Basis

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of Rate Order—Split-Savings Rate for the Resource Coordination Program of the Loveland-Fort Collins Area Office.

SUMMARY: Rate Order No. WAPA-15 places in effect on an interim basis a split-savings rate for sales of long term firm capacity with energy and seasonal or monthly firm capacity with energy from the Resource Coordination Program (RCP).

The RCP is a power-pooling arrangement in which the participants integrate the capacity and/or energy in their respective hydroelectric and thermal generation facilities. The purpose of this integration is to use the Federal hydroelectric system to, in effect, store surplus energy as it is produced by the thermal generation plants and to sell it as nonfirm energy when transmission paths and markets are available. The RCP participants' resources are also operationally integrated to combine excess Federal firm capacity with surplus thermal energy to produce firm capacity with energy.

The firm capacity with energy made available through the RCP will be priced at split-savings rates set halfway between the purchaser's avoided costs and the RCP's costs. Nonfirm energy made available through the RCP may be priced at split-savings rates developed pursuant to the rate formula for sales of economy energy resulting from the proposal published in the **Federal Register** at 47 FR 33774, August 4, 1982. This rate order (No. WAPA-15) does not apply to such sales of nonfirm energy.

Public proceedings on this rate order were initiated with a public information forum held June 24, 1982. The proposed rate was published in the **Federal Register** at 47 FR 23892 (June 1, 1982). A public comment forum was held July 22, 1982, and written comments were due September 1, 1982.

EFFECTIVE DATE: Rate schedule will become effective November 30, 1982.

FOR FURTHER INFORMATION CONTACT:

Mr. Peter G. Ungerman, Area Manager, Loveland-Fort Collins Area Office, P.O. Box 3700, Loveland, CO 80539, Telephone: (303) 224-7201

Mr. Conrad K. Miller, Chief, Rates and Statistics Branch, Western Area Power Administration, P.O. Box 3402, Golden, CO 80401, Telephone: (303) 231-1535

Mr. James A. Braxdale, Office of Power Marketing Coordination, CE-90, Department of Energy, Federal Building, Washington, DC 20461, Telephone: (202) 633-8338.

Issued In Washington, D.C. November 30, 1982.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

Department of Energy—Assistant Secretary for Conservation and Renewable Energy

November 30, 1982.

In the matter of Western Area Power Administration—Resource Coordination Program Split-Savings Rate; Rate Order No. WAPA-15; Order Confirming, Approving, and Placing a Power Rate Into Effect on an Interim Basis.

Pursuant to section 302(a) of the Department of Energy Organization Act, 42 U.S.C. 7152(a), the power marketing functions of the Secretary of the Interior under the Reclamation Act of 1902, 43 U.S.C. 372 et seq., as amended and supplemented by subsequent enactments, particularly by section 9(c) of the Reclamation Project Act of 1939, 43 U.S.C. 485h(c), were transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204-33, effective January 1, 1979, (43 FR 60636, December 28, 1978), last amended March 19, 1981 (46 FR 25426, May 7, 1981), the Secretary of Energy delegated to the Assistant Secretary for Conservation and Renewable Energy the authority to develop power and transmission rates, acting by and through the Administrator of the Western Area Power Administration (Western), and to confirm, approve, and place into effect such rates on an interim basis, and delegated to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis, or to disapprove, rates developed by the Assistant Secretary under the delegation. This rate order is issued pursuant to the delegation to the Assistant Secretary and the rate adjustment procedures at 10 CFR Part 903.

Background

Western

Western was established on December 21, 1977, under the Department of Energy Organization Act. Western is responsible for the Federal power marketing and transmission functions previously exercised by the Bureau of Reclamation in 15 Central and Western States. Western's organization consists of a Headquarters Office in Golden, Colorado, and five Area Offices located in Billings, Montana; Boulder City, Nevada; Loveland, Colorado; Sacramento, California; and Salt Lake City, Utah.

Western's Loveland-Fort Collins Area Office (Area Office) markets power generated at 16 federally owned hydroelectric powerplants located in Colorado, Wyoming, and Montana. Fifteen of these powerplants comprise the generation features of the Pick-Sloan Missouri Basin Program-Western Division (P–SMBP–WD) power system. The Area Office also markets power generated by the Mount Elbert Pumped-Storage Powerplant, which is the principal feature of the Fryingpan-Arkansas Project.

The Resource Coordination Program

The Resource Coordination Program (RCP) is a power-pooling arrangement of the Area Office in which the participants integrate their individual generation resources to maximize the availability and time value of their surplus energy to displace oil- and gas-fired generation.

This is accomplished by using the Federal hydroelectric resources to store and shape surplus energy to match transmission path availability and the markets for nonfirm energy. Another function of the RCP is to combine Federal excess capacity with surplus nonfirm energy to produce firm capacity with energy.

This integration is accomplished by using the thermal generation facilities to serve offpeak firm power loads which would otherwise be served by hydroelectric resources. The water, which would have been used to generate energy needed to meet the Federal offpeak load obligations, remains in the reservoir for later generation during the onpeak hours.

The RCP participants include Western and several non-Federal preference entities that own thermal generation facilities.

The proposed power rates published at 47 FR 23892 (June 1, 1982) discussed integrating P–SMBP–WD capacity with surplus energy supplied by the RCP participants, most of whom are non-Federal preference utilities. However, excess capacity currently exists in other Federal hydroelectric systems such as the Fryingpan-Arkansas Project. Because excess capacity exists and is now available for marketing in combination with RCP energy, Western has expanded the scope of the proposed rate order from that discussed in the marketing plan. It is now applicable to sales of Federal capacity marketed by the Area Office and integrated with RCP energy.

The Split-Savings Rate

The long term firm capacity with energy sold through RCP will be sold at prices based on split-savings rates set halfway between each purchaser's avoided costs and the RCP's costs. Seasonal or monthly firm capacity with energy sold through the RCP may be sold at prices based on split-savings rates developed pursuant to this rate schedule. Nonfirm energy may be priced at split-savings rates for sales of economy energy developed pursuant to the rate formula resulting from the proposal published in the **Federal Register** at 47 FR 33774, August 4, 1982. This rate order (No. WAPA–15) does not apply to such sales of nonfirm energy.

The purchaser's avoided costs are the costs of the same category of firm capacity with energy or nonfirm energy that the purchaser would, but for the purchases from the RCP, generate itself or purchase from another source.

RCP costs associated with nonfirm energy are the thermal energy generation costs.

The RCP costs associated with the firm capacity with energy include the applicable Federal hydroelectric capacity rate and the thermal energy generation costs.

When the customer's contract specifies that the capacity component of the RCP firm capacity with energy is from the P–SMBP–WD hydroelectric system, the cost associated with the capacity will be the applicable P–SMBP–WD capacity charge in Rate Schedule P–S WD–F1, or any superseding rate schedule as of its effective date. When the customer's contract specifies that the capacity component of the RCP firm capacity with energy is from the Fryingpan-Arkansas Project, the capacity cost associated with the service will be the applicable Fryingpan-Arkansas Project capacity charge in Rate Schedule FA–1, or any superseding rate schedule as of its effective date.

The purchaser's base price for firm capacity with energy will initially be determined as described in the preceding paragraphs. In subsequent months, when the RCP costs increase or decrease, the purchaser's base price will increase or decrease by an identical amount.

The split-savings rates have been designed to be low enough to be competitive with the costs of energy produced by oil- and gas-fired peaking plants in order to reduce consumption of oil and natural gas, and yet high enough to yield revenues sufficient to assure recovery of production costs. The underlying principle of split-savings rates is that buyers and sellers save and profit equally.

Public Notice and Comments

In accordance with the rate adjustment procedures published at 10 CFR Part 903, Western published a notice of the proposed rate on June 1, 1982 (47 FR 23892).

A public information forum, at which Western explained the basis of and answered questions concerning the proposed rates, was held on June 24, 1982. One person interested in purchasing long term P–SMBP–WD capacity with RCP energy through the 1989 summer season asked how frequently the split-savings rate will be calculated. In response, Western stated that the split-savings rate will be calculated only once—when the contract is entered into. When there are subsequent increases or decreases in the RCP production costs, the base price will increase or decrease by an identical amount. The purchaser's avoided costs will not, however, be recalculated.

A public comment forum was held on July 22, 1982, in Northglenn, Colorado. No comments were made at the forum. The consultation and comment period, which began on June 1, 1982, ended 93 days later, on September 1, 1982.

There written comments were received. Two comments simply expressed general support for the rate. The third comment expressed concern that sales that could otherwise be made by the utility or one of its members would be lost because the split-savings feature of the proposed rate would result in a lower rate than it or its members would charge for the same electric service. Western acknowledges that the marketing of low-cost Federal hydroelectric capacity, whether or not it is integrated with non-federal surplus energy, will inevitably displace higher-priced capacity and reduce the use of oil- and gas-fired peaking plants.

Effective Date

The effective date of the split-savings rate for the RCP is November 30, 1982. Ordinarily, the effective date of a rate adjustment is thirty (30) days after the Assistant Secretary confirms, approves, and places it into effect on an interim basis. In this case, the rate is for a new service which could be marketed immediately. It is therefore appropriate, in this instance, to make the rate schedule effective at an early date.

Service Availability

Discussion

The power services for which the rate will be applicable are new services—long term firm capacity with energy and

seasonal or monthly firm capacity with energy from the RCP of the Area Office.

Rate

The long term firm capacity with energy available from the RCP will be priced at a split-savings rate set halfway between the purchaser's avoided costs and RCP's costs. Seasonal or monthly firm capacity with energy available from the RCP may be priced at a split-savings rate.

Availability of Information

Information regarding this rate adjustment proceeding is available for public review in the Office of the Area Manager, Western Area Power Administration, 5555 East County Road 26, Loveland, Colorado 80539, and in the Office of the Director of Power Marketing Coordination, Department of Energy, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461.

Environmental Evaluation

In compliance with the National Environmental Policy Act of 1969 (NEPA) and the Department of Energy (DOE) regulations published in the **Federal Register** on February 23, 1982 (47 FR 7976), Western conducted an environmental evaluation of this proposed rate adjustment. Western has determined that this rate adjustment does not constitute a major Federal action significantly affecting the quality of the human environment. A memorandum has been prepared explaining the basis for that determination and an administrative decision has been made that no further documentation under NEPA is required.

Submission to the Federal Energy Regulatory Commission

The rates herein confirmed, approved, and placed in effect on an interim basis, together with supporting documents, will be submitted to the FERC for confirmation and approval on a final basis.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby confirm and approve on an interim basis, effective November 30, 1982, Rate Schedule RCP–1. This rate schedule shall remain in effect on an interim basis until FERC confirms and approves this, or a substitute rate, on a final basis, whichever occurs first.

Issued in Washington, D.C., November 30, 1982.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

United States Department of Energy—Western Area Power Administration

Schedule of Rates for Sales From the Resource Coordination Program—Loveland-Fort Collins Area Office

EFFECTIVE: November 30, 1982.

AVAILABLE: Within and adjacent to the areas served by the Western Division of the Pick Sloan Missouri Basin Program and the Fryingpan-Arkansas Project

APPLICABLE: To wholesale power customers purchasing such service.

CHARACTER AND CONDITIONS OF SERVICE: Electric service supplied hereunder will be three-phase, alternating current, at a nominal frequency of sixty (60) hertz (cycles per socond).

MONTHLY RATE:

Firm capacity with energy: Initially, a base price will be calculated at one-half the sum of the purchaser's avoided costs and the Resource Coordination Program (RCP) costs. The purchaser's costs are the costs for firm capacity with energy that the purchaser would, but for purchases from the RCP, generate itself or purchase from another source. The RCP costs are the sum of the Federal capacity costs set forth in applicable rate schedules and energy generation costs.

In subsequent months, when the RCP costs of firm capacity with energy increase or decrease, the purchaser's base price will increase or decrease by an identical amount.

[FR Doc. 82-33689 Filed 12-10-82; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[A-3-FRL 2258-5]

Memorandums of Understanding for New Source Performance Standards Program and National Emission Standards for Hazardous Air Pollutants Program

Correction

In FR Doc. 82-33176 beginning on page 54866, in the issue of Monday, December 6, 1982, make the following correction.

In the second column of page 54866, the third line from the bottom of the last paragraph should have read:

"appropriate circuit by February 4, 1983. This action may".

BILLING CODE 1505-01-M

[A-9-FRL 2264-8]

Issuance of PSD Permit to IBM Corporation

AGENCY: Environmental Protection Agency (EPA), Region 9.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to IBM Corporation San Jose, California facility, EPA project number SFB 82-01.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by February 11, 1983.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for public inspection upon request; address requests to: Kathryn Strickland (M-5), U.S. Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on June 9, 1982 the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to construct a 59 MW turbine driven emergency/standby generator to be located at IBM's facility in San Jose, Santa Clara County, California.

This permit has been issued under EPA's PSD (40 CFR 52.21) regulations and is subject to certain conditions including an allowable emission rate of 223.0 lbs/hr for SO_2, 142.0 lbs/hr for NO_x and 25.0 lbs/hr for TSP.

Best Available Control Technology (BACT) requirements for NO_x include use of water injection with a ratio of 0.94 pounds of water per pound of fuel. BACT requirements for SO_2 include use of low sulfur fuel oil (less than 0.3 percent sulfur by weight).

Air Quality Impact Modeling was required for NO_x and SO_2. Continuous monitoring is not required; the source is subject to New Source Performance Standards.

Dated: November 17, 1982.

David P. Howekamp,

Acting Director, Air Management Division, Region 9.

[FR Doc. 82-33735 Filed 12-10-82; 8:45 am]

BILLING CODE 6560-50-M

[A-9-FRL 2265-1]

Issuance of PSD Permit to Aminoil USA Inc.

AGENCY: Environmental Protection Agency (EPA), Region 9.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to Aminoil USA Inc. in Orange County, California, EPA project number LA 82-01.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by February 11, 1983.

FOR FURTHER INFORMATION: Copies of the permit are available for public inspection upon request; address requests to: Kathryn Strickland (M-5), U.S. Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on August 3, 1982, the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to construct six-6,464 kw crude oil fired turbines and associated waste heat boilers at their Huntington Beach, California facility.

This permit has been issued under EPA's PSD (40 CFR 52.21) regulations and is subject to certain conditions including an allowable emission rate of 14.0 lbs/hr per turbine of SO_x and 4.6×10 lbs/hr per turbine of beryllium.

Best Available Control Technology (BACT) requirements for SO_x and beryllium include a Venturi scrubber for beryllium and a baffle type flue gas desulfurization system (designed to be at least 95% efficient in removing SO_2 from the gas stream) on the two exhaust streams of each of the six turbines.

Air Quality Impact Modeling was required for SO_2. Continuous monitoring is not required; the source is subject to New Source Performance Standards.

Dated: November 17, 1982.

David P. Howekamp,

Acting Director, Air Management Division, Region 9.

[FR Doc. 82-33736 Filed 12-10-82; 8:45 am]

BILLING CODE 6560-50-M

[A-9-FRL 2265-2]

Issuance of PSD Permit to Occidental Geothermal

AGENCY: Environmental Protection Agency (EPA), Region 9.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to Occidental Geothermal in Lake County, California, EPA project number NC 81-03.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by February 11, 1983.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for public inspection upon request; address requests to: Kathryn Strickland (M-5), U.S. Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on May 10, 1982 the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to construct a 80 MW geothermal electric power plant to be located in Lake County, California.

This permit has been issued under EPA's PSD (40 CFR 52.21) regulations and is subject to certain conditions including an allowable emission rate of 8.0 lbs/hr of Hydrogen Sulfide.

Best Available Control Technology (BACT) requirements for hydrogen sulfide include surface condenser/Stretford process, hydrogen peroxide/iron catalyst secondary treatment, turbine bypass, and dual turbine design.

Continuous monitoring is not required; the source is not subject to New Source Performance Standards.

Dated: November 17, 1982.

David P. Howekamp,

Acting Director, Air Management Division, Region 9.

[FR Doc. 82-33737 Filed 12-10-82; 8:45 am]

BILLING CODE 6560-50-M

[A-9-FRL 2265-3]

Issuance of PSD Permit to Getty Oil Company

AGENCY: Environmental Protection Agency (EPA), Region 9.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to Getty Oil Co., Poso Creek Oil Field in Kern County, California, EPA project number SJ 81-11.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by February 11, 1983.

FOR FURTHER INFORMATION: Copies of the permit are available for public inspection upon request; address requests to: Grants and Permits Administration, Kathryn Strickland (M-5), U.S. Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on August 20, 1982 the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to install seven 50 million BTU/hr steam generators.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations and is subject to certain conditions including an allowable emission rate for NO_x of 0.15 lbs/MMBTU (heat input).

EPA has determined that the installation of an ammonia injection system with an NO_2 emission limit of 0.15 lbs/MMBTU (input) represents Best Available Control Technology (BACT) for the control of NO_x emissions from the steam generators Getty is proposing to install in the Poso Creek Oil Field Area.

Air Quality Impact Modeling was required for NO_x. Continuous monitoring is not required and the source is not subject to New Source Performance Standards.

Dated: November 17, 1982

David P. Howekamp,

Acting Director, Air Management Division, Region 9.

[FR Doc. 82-33738 Filed 12-10-82; 8:45 am]

BILLING CODE 6560-50-M

[A-9-FRL 2265-4]

Issuance of PSD Permit to Getty Oil Company

AGENCY: Environmental Protection Agency (EPA), Region 9.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to Getty Oil Company, Kern Front Oil Field in Kern County, California, EPA project number SJ 81-12.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by February 11, 1982.

FOR FURTHER INFORMATION: Copies of the permit are available for public inspection upon request; address request to: Kathryn Strickland (M-5), U.S. Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on August 25, 1982 the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to install 2 fifty million BTU/hr steam generators located on the Kern Front Oil Field in Kern County, California.

This permit has been issued under EPA's PSD (40 CFR 52.21) regulations and is subject to certain conditions including allowable emission rates of .15 lbs/MMBTU (heat input) for NO_x.

Best Available Control Technology (BACT) requirements for $_x$ are the installation of an ammonia injection system.

Air Quality Impact Modeling was required for NO_2. Continuous monitoring is not required; the source is not subject to New Source Performance Standards.

Dated: November 17, 1982.

David P. Howekamp,

Acting Director, Air Management Division, Region 9.

[FR Doc. 82-33739 Filed 12-10-82; 8:45 am]

BILLING CODE 6560-50-M

[A-9-FRL 2265-5]

Issuance of PSD Permit to Chevron U.S.A., Inc.

AGENCY: Environmental Protection Agency (EPA), Region 9.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Qulaity Deterioration (PSD) permit to Chevron U.S.A. Inc., near Coalinga, Fresno County, California, EPA project number SJ 79-32.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by February 11, 1983.

FOR FURTHER INFORMATION: Copies of the permit are available for public inspection upon request; address request to: Kathryn Strickland (M-5), U.S. Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on July 16, 1982 the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to construct nine (9) 50 million Btu/hr steam generators for the purpose of increasing oil recovery from the Coalinga Oil Field in Fresno County, California.

This permit has been issued under EPA's PSD (40 CFR 52.21) regulations and EPA's NSR (40 CFR 52.18) regulations and is subject to certain conditions including allowable emission rates as follows: for NO_2, 0.30 lb/MMBtu input; for SO_2, 9.2 lbs/hr per generator; for TSP, 3.58 lbs/hr per generator.

Best Available Control Technology (BACT) requirements for NO_2 are the installation of O_2 controllers and an emission limit of 0.30 lbs/MMBtu. Lowest Achievable Emission Rate requirements for TSP include use of wet scrubbers (50% efficient). Air Quality Impact Modeling was required for NO_2. Continuous monitoring is not required; the source is subject to New Source Performance Standards.

Dated: November 17, 1982.

[FR Doc. 82-33740 Filed 12-10-82; 8:45 am]

BILLING CODE 6560-50-M

[A-9-FRL 2265-6]

Issuance of PSD Permit to Union Oil Company of California

AGENCY: Environmental Protection Agency (EPA), Region 9.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to Union Oil Company of California located in the Midway-Sunset Oil Field, in Kern County, California, EPA project number SJ 79-20.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by February 11, 1983.

FOR FURTHER INFORMATION: Copies of the permit are available for public inspection upon request; address requests to: Grants and Permits Administration, Kathryn Strickland (M-5), U.S. Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on September 3, 1982 the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to construct and operate twenty-eight (28) oil-fired steam generators and associated equipment.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations and is subject to certain conditions including an allowable emission rate for NO_x of 0.13 lbs/MMBTU and for CO of 2.1 lbs/hr/Unit.

EPA has determined that the installation of low NO_x burners and an emission limit of 0.13 lbs/MMBTU input and proper design and combustion controls for CO represents Best Available Control Technology (BACT).

Air Quality Impact Modeling was required for NO_x and CO. Continuous monitoring is not required and the source is subject to New Source Performance Standards.

Dated November 17, 1982.

David P. Howekamp,

Acting Director, Air Management Division, Region 9.

[FR Doc. 82-33741 Filed 12-10-82; 8:45 am]

BILLING CODE 6560-50-M

[A-9-FRL 2265-7]

Issuance of PSD Permit to Geothermal Kinetics

AGENCY: Environmental Protection Agency (EPA), Region 9.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to Geothermal Kinetics, Sonoma County, California, EPA project number NC 81-01.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by February 11, 1983.

FOR FURTHER INFORMATION: Copies of the permit are available for public inspection upon request; address requests to: Grants & Permits Administration, Kathryn Strickland (M-5), U.S. Environmental Protection Agency, Region 9, 215 Fremont Street, San Franscisco, CA 94105.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on April 8, 1982 the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to construct steam wells and a steam gathering system in northern Sonoma County, California, for the purpose of supplying steam to the South Geysers geothermal-electric power plant.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations and is subject to certain conditions including an allowable emission rate for hydrogen sulfide of 47 tons/year.

EPA has determined that the installation of a computer controlled steam flow regulating system and a chemical injection H_2S abatement system, in conjunction with an automatic 50% cutback in steam production, and injection of NaOH and H_2O_2 into the steam line to chemically

remove H_2S from the steam during stacking conditions, represent Best Available Control Technology (BACT).

Continuous monitoring is not required and the source is not subject to New Source Performance Standards.

Dated: November 17, 1982.

David P. Howekamp,

Acting Director, Air Management Division, Region 9.

[FR Doc. 82-33742 Filed 12-10-82; 8:45 am]

BILLING CODE 6560-50-M

[A-9-FRL 2265-8]

Issuance of PSD Permit to Pacific Gas & Electric Co.

AGENCY: Environmental Protection Agency (EPA), Region 9.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to Pacific Gas and Electric Company Geysers Unit 20, Sonoma County, California, EPA project number SFB 81-03.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by February 11, 1983.

FOR FURTHER INFORMATION: Copies of the permit are available for public inspection upon request; address requests to: Grants & Permits Administration, Kathryn Strickland (M-5), U.S. Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on May 21, 1982 the Environmental Protection Agency issued a PSD permit to the applicant named above to construct a 110 MW geothermal electric power plant in Sonoma County, California.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations and is subject to certain conditions including an allowable emission rate for hydrogen sulfide of 10.4 lbs/hr.

EPA has determined that the use of the surface condenser/Stretford process and the Hydrogen Peroxide/catalyst secondary treatment with an allowable emission rate of 10.4 lbs/hr of hydrogen sulfide represents Best Available Control Technology (BACT).

Continuous monitoring is not required and the source is not subject to New Source Performance Standards.

Dated: November 17, 1982.

David P. Howekamp,

Acting Director, Air Management Division.

[FR Doc. 82-33743 Filed 12-10-82; 8:45 am]

BILLING CODE 6560-50-M

[A-9-FRL 2266-1]

Issuance of PSD Permit to Transamerica Delaval

AGENCY: Environmental Protection Agency (EPA), Region 9.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to Transamerica Delaval in Oakland, Alameda County, California, EPA project number SFB 81-04.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by February 11, 1983.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for public inspection upon request; address requests to: Kathryn Strickland (M-5), U.S. Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on September 30, 1981 the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to construct and experimentally operate and test in Oakland, California, one new lean-burn twelve cylinder, 10,000 horsepower diesel engine. The typical tests performed are twelve hours in duration and are conducted at various load conditions.

This permit has been issued under EPA's PSD (40 CFR 52.21) regulations and is subject to certain conditions including an allowable emission rate of 480.6 lbs/1000 gal of NO_x.

Best Available Control Technology (BACT) requirements for the project include efficient operation of the engine (combustion controls). Five control methods will be tested; Retarded fuel injection, manifold air cooling, power output derating, exhaust gas recirculation, and ammonia injection.

Air Quality Impact Modeling was not required. Continuous monitoring is not required; the source is not subject to New Source Performance Standards.

Dated: November 18, 1982.

David P. Howekamp,

Acting Director, Air Management Division, Region 9.

[FR Doc. 82-33744 Filed 12-10-82; 8:45 am]

BILLING CODE 6560-50-M

[A-9-FRL 2266-2]

Issuance of PSD Permit to Kaiser Refractories

AGENCY: Environmental Protection Agency (EPA), Region 9.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to the Moss Landing facility of Kaiser Refractories, Monterey, California, EPA project number NCC 80-02.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by Feburary 11, 1983.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for public inspection upon request; address request to: Kathryn Strickland (M-5), U.S. Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on September 30, 1981 the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to modify three existing kilns at their Moss Landing facility in Monterey County, California, the purpose being to combust petroleum coke.

This permit has been issued under EPA's PSD (40 CFR 52.21) regulations and is subject to certain conditions including an allowable emission rate of 515 lbs/hr for nitrogen dioxide.

Best Available Control Technology (BACT) requirements are that the nitrogen content of the coke shall not exceed 2.5% by weight, and annual coke consumption shall not exceed 77,420 tons/year.

Air Quality Impact Modeling was required for NO_x. Continuous monitoring is not required; the source is not subject to New Source Performance Standards.

Dated: November 18, 1982.

David P. Howekamp,

Action Director, Air Management Division, Region 9.

FR Doc. 82-33746, Filed 12-10-82; 8:45 am]

BILLING CODE 6560-50-M

Issuance of PSD Permit to Kaiser Refractories

[A-9 FRL #2266-3]

AGENCY: Environmental Protection Agency (EPA), Region 9.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to Kaiser Refractories, Natividad facility, Monterey County, California EPA project number NCC 80-01.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by February 17, 1983.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for public inspection upon request; address requests to: Grants and Permits Administration, Kathryn Strickland(M-5), U.S. Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on September 30, 1981 the Environmental Protection Agency issued a PSD permit to the applicant named above for conversion of 3 kilns, to allow firing on petroleum coke, at the Kaiser Natividad facility in California.

This permit has been issued under EPA's PSD (40 CFR 52.21) regulations and is subject to certain conditions including allowable emissions of NO_x for kiln #1, 79.7 lbs/hr; for kiln #2, 79.7 lbs/hr; for kiln #3, 192.0 lbs/hr. The allowable emission rates for SO_2 for kiln #1 are, 41.9 lbs/hr; for kiln #2, 41.9 lbs/hr; for kiln #3, 61.1 lbs/hr.

Best Available Control Technology (BACT) requirements for SO_2 include use of a fabric filter.

Air Quality Impact Modeling was required for NO_x and SO_2. Continuous monitoring is required for the amount and type of fuel; the source is not subject to New Source Performance Standards.

Dated: November 18, 1982.

[FR Doc. 82-33746 Filed 12-10-82; 8:45 am]

BILLING CODE 6560-50-M

[A-9-FRL 2266-4]

Issuance of PSD Permit to Simpson Paper Company

AGENCY: Environmental Protection Agency (EPA), Region 9.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to Simpson Paper Company for the project located at Simpson's existing paper mill, in the city of Anderson, Shasta County, California EPA project number SAC 82-01.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by February 11, 1983.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for public inspection upon request; address requests to: Grants and Permits Administration, Kathryn Strickland (M-5), U.S. Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on November 20, 1981 the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to construct a 33 MW gas turbine and associated waste heat boiler at their existing paper mill in city of Anderson, Shasta County, California.

This permit has been issued under EPA's PSD (40 CFR 52.21) regulations and is subject to certain conditions including allowable emissions of 92 lbs/hr of NO_x (annual average); 84 lbs/hr of NO_x (24-hr average, June, July, August); 136 lbs/hr of NO_x (2-hr average) and 100 lbs/hr of CO, (may be adjusted to a lower limit by EPA after source testing). Best Available Control Technology (BACT) requirements for NO_x include water injection, and proper combustion for CO.

Air Quality Impact Modeling was required for NO_x and CO. Continuous monitoring is required and the source is subject to New Source Performance Standards.

Dated: November 18, 1982.

David P. Howekamp,

Acting Director, Air Management Division, Region 9.

[FR Doc. 82-33747 Filed 12-10-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[File No. 26004-CL-P-(25)-82, et al.]

Advanced Mobile Phone Service, Inc., et al.; Designating Applications for Consolidated Hearing on Stated Issues

Memorandum Opinion and Order Granting Application and Designating Applications for Hearing

Adopted December 1, 1982.

Released December 6, 1982.

In re application of Advanced Mobile Phone Service, Inc., for a construction permit to establish a new cellular system operating on frequency Block B in the Domestic Public Cellular Radio Telecommunications Service to serve the Pittsburgh, Pennsylvania, modified Standard Metropolitan Statistical Area; File No. 26004-CL-P-(25)-82.

In re applications of MCI Cellular Telephone Company, Celcom Communications Corporation of Pittsburgh and Cellular Mobile Systems of Pennsylvania, Inc., for a construction permit to establish a new cellular system operating on frequency Block A in the Domestic Public Cellular Radio Telecommunications Service to serve the Pittsburgh, Pennsylvania, modified Standard Metropolitan Statistical Area, CC Docket No. 82-796, File No. 26111-CL-P-(14)-82, File No. 26157-CL-P-(11)-82 and File No. 26184-CL-P-(16)-82.

1. Presently before the Chief, Common Carrier Bureau, under delegated authority are: (a) The captioned applications of Advanced Mobile Phone Service (AMPS), MCI Cellular Telephone Company (MCI), Celcom Communications Corporation of Pittsburgh (Celcom), and Cellular Mobile Systems of Pennsylvania, Inc. (CMS), to construct cellular radio systems to serve the Pittsburgh, Pennsylvania, Standard Metropolitan Statistical Area (SMSA); and (b) various motions, petitions, pleadings and amendments related to the applications. AMPS, a wholly-owned subsidiary of American Telephone and Telegraph Company (ATT), is proposing use of the wireline allocation (frequency block B) and MCI, Celcom and CMS are proposing use of the nonwireline allocation (frequency block A).

2. Because we find that the public interest would be served thereby, we are granting the AMPS application.[1] As discussed below, we find that the petitions fail to raise any substantial and material issues requiring designation for hearing. However, the MCI, Celcom and CMS applications are electrically mutually exclusive, and accordingly, we are designating those applications for a comparative hearing in accordance with the Commission's

[1] Section 22.901 of our Rules requires that cellular service be provided by an ATT affiliate only through a separate subsidiary. AMPS has demonstrated in its application that it has met this requirement. Our Rules also require that AMPS submit a cellular capitalization plan for Commission approval. AMPS did submit its plan on May 25, 1982. Our decision here is subject to, and conditioned on, action on the capitalization plan. *See* para. 15, *infra*. We recognize that further approval may be required when ownership in AMPS in Pittsburgh is changed pursuant to the ATT reorganization.

Report and Order in CC Docket No. 79–318, 86 FCC 2d 469 (1981), *modified, Memorandum Opinion and Order on Reconsideration*, 89 FCC 2d 58 (1982), and *further modified, Memorandum Opinion and Order on Further Reconsideration*, 90 FCC 2d 571 (1982). We are also requiring that CMS modify its application as set forth below.

MCI's Application

3. CMS filed a Petition to Deny MCI's application on the grounds that: (a) MCI failed to adequately describe its basis for determining traffic congestion as required by § 22.913(a)(5) of the Rules; [2] and (b) MCI has not demonstrated its financial ability to construct all the cellular systems for which it has applied including Pittsburgh. First, CMS argues that MCI's description of its plans to determine congestion is "a generalized, textbook discussion" and does not provide a specific plan to remedy congestion in the Pittsburgh area, as required by the Rules. Next, CMS contends that even though MCI has submitted a letter from the First National Bank of Chicago committing $300 million to MCI for construction of cellular systems, MCI has not demonstrated that it has uncommitted resources to support its $205 million obligation for the twelve cellular systems for which it has applied. CMS maintains that since the line of credit from the Chicago bank was initially established to meet other business obligations and MCI has not submitted the credit agreement, there is no assurance that the $300 million will be available for MCI's cellular proposals. In its response, MCI contends that Exhibit 6 of its application satisfies the requirements of § 22.913(a)(5) because it indicates that MCI will monitor traffic to determine whether sufficient congestion exists to warrant expansion of system capacity. As to its financial qualifications, MCI argues that the $300 million line of credit from the First National Bank of Chicago, and anticipated revenues from cellular service, taken together with the commitment of its parent corporation to absorb first year expenses, adequately demonstrate the financial ability to cover the $205 million costs of constructing and operating for one year all of its proposed cellular systems, including the Pittsburgh proposal.

4. CMS's objections fail to raise a substantial question requiring consideration in a hearing. Exhibit 4 provides a detailed discussion of cell-splitting. It describes two options utilizing 120 sector antennas or 60 sector antennas. Exhibit 5 contains the applicant's frequency plan, giving the baseline frequency allocation for Pittsburgh, and outlines a growth methodology for increased system capacity. Exhibit 6 outlines MCI's plans to monitor traffic congestion, comparing results against established thresholds of congestion, which will determine when system expansion becomes necessary. This information together with general descriptive information concerning system expansion located in other portions of Volume I of the application adequately demonstrate MCI's plans for cell splitting and satisfy the requirements of § 22.913(a)(5).

5. Second, MCI's showing in its application demonstrates reasonable assurance that it has available the financial resources not only for the $9.76 million commitment needed for the Pittsburgh system but also for its eleven other proposals in top-30 markets. The letter from the First National Bank of Chicago states that MCI Communications Corporation, MCI's parent, "may borrow up to $300,000,000 * * * for the purpose of purchasing, construction and operating, as the case may be, cellular radio telephone systems." William E. Conway, Vice President and Treasurer of MCI Communications Corporation, states that the $300 million line of credit from the First National Bank of Chicago will be available for the purpose of covering the costs of its twelve proposed cellular systems. Also in its opposition to CMS's petition, MCI states that "the $300 million is immediately available" to MCI for its cellular proposals. In view of the foregoing, and absent evidence to the contrary, we find that MCI has demonstrated under applicable precedents, reasonable assurance that it has available a loan for the $205 million needed to construct its twelve cellular systems. *See Multi-State Communications v. FCC*, 590 F.2d 1117, 1119 (D.C. Cir. 1978), *cert. denied* 440 U.S. 959 (1979). Accordingly, we conclude that no financial issue should be designated for hearing against any MCI Communications Corporation subsidiary based on its ability to finance commitments for twelve cellular applications in the 30 largest markets. Any additional financial issues relevant to specific markets will be resolved in subsequent orders.

Celcom's Application

6. MCI and CMS filed petitions to dismiss or deny Celcom's application Both petitioners argue that since Celcom merely indicated that it "will own or enter into leases for use of the proposed cell transmitter site locations," Celcom has failed to demonstrate site availability. Also, CMS asserts that Celcom's financial showing is inadequate because the costs of constructing the system and operating it for one year are in excess of the loan commitment. Moreover, according to CMS, the loan commitment itself is questionable because it is not clear whether all the banks identified will participate in the loan and whether the proposed loan is adequately secured.

7. In its response, Celcom states that at the time of filing its application, it had secured a signed statement from each property owner or his agent, that the site would be available for use by Celcom. In order to erase any doubts, Celcom has submitted copies of the signed statements of the lessors. As for its financial qualifications, Celcom states that the construction costs of its system are estimated at $6.4 million and the preoperational and first year operating expenses will be $3.7 million for a total of $10.1 million. According to Celcom, the loan commitment from the Michigan National bank for $14.5 million for the Pittsburgh system comfortably exceeds the costs. Also, Celcom asserts that it is clear that the Mellon Bank and Pittsburgh National Bank are committed to the loan and submits a letter from the Michigan National Bank which unequivocably states that all three banks above agreed to participate. Celcom also submits a letter from Michigan National which states that the loan is adequately secured by Celcom's parent, Associated Communications of America, Inc. (ACA).

8. MCI and CMS fail to raise a substantial or material issue. None of the petitioners have demonstrated that any of the cell site locations would not be available to Celcom. In its application, Celcom identified the site locations, stated that it would lease or own the sites, and indicated that it would provide documentation as to site availability if necessary. In its response, Celcom states that at the time for filing its application it had a good faith belief based on reasonable assurances from the property owners that all sites were available to Celcom for their proposed use. Absent specific evidence rebutting Celcom's showing, we find that Celcom has reasonable assurance that the sites will be available when needed. An applicant need not have a binding agreement or absolute assurance of the availability of a proposed site but rather must show that it has obtained

[2] Section 22.913(a)(5) requires a statement indicating "the basis which the applicant will use to determine whether sufficient congestion exists to warrant cell-splitting."

reasonable assurance that its proposed site is available. *See Marvin C. Harry*, 21 FCC 2d 420, 423 (Rev. Bd. 1970).[3] Also, we note that the statements from the lessors submitted by Celcom which indicate that sites would be available to ACA are dated prior to the June 7, 1982, filing date. Based on the information contained in the application and Celcom's response clarifying that information, we find no reason to designate a site availability issue.

9. Contrary to petitioners' assertion, Celcom has demonstrated that it has more than sufficient funding available to cover the $10.1 million construction and first-year operation costs of its proposed cellular system in Pittsburgh. Even though the loan commitment letter from the Michigan National Bank did not describe the other participating bankers by name, it clearly provided reasonable assurance that the loan of up to $14.5 million will be available for Celcom's proposed cellular system at Pittsburgh. See *Multi-State Communications v. FCC, supra.* Also, in the letters submitted with Celcom's response, Michigan National Bank confirms the commitment of all the participating banks, and indicates that the loan is adequately secured by ACA. In view of the information contained in the application and Celcom's response clarifying the information, we conclude that no financial issue should be designated for hearing against Celcom.

CMS's Application

10. Celcom filed a Petition to Deny the CMS application alleging that: (a) CMS has underestimated the cost of its proposed system; (b) CMS has not demonstrated that its parent, Graphic Scanning Corp. (Graphic), can cover the costs of the 30 cellular systems it proposes including Pittsburgh, along with the costs of other communications projects for which it has applied; and (c) there are unresolved character qualification issues pending against Graphic, *see A.S.D. Answering Service, Inc. et al.* (ASD), FCC 82–391, released August 24, 1982. In response, CMS argues that it has not underestimated the construction costs because its estimates did not refer to a fully mature system but rather only reflected the equipment costs for the first year. CMS further maintains that its financial ability to meet the expenses of constructing noncellular communications projects is irrelevant. What is relevant, asserts CMS, is that it has adequately demonstrated that it has more than enough financial resources to construct the 30 cellular systems for which is has applied. As for the question concerning its character qualifications, CMS maintains that instead of deferring action on its application, the Commission should "simply condition any grant on the outcome of the pending investigation."

11. We are not persuaded by Celcom's arguments. First, the CMS cost estimates do not appear unreasonable and include the full costs of constructing all of its 16 cell sites and the channel equipment necessary for the first year of operation. We have long found that the general allegation that one applicant's estimated costs are lower than another's is insufficient to warrant the addition of a financial issue in hearing.[4] Furthermore, CMS's estimates are not unreasonable on their face, and Celcom has failed to raise any serious questions that have not been adequately explained by CMS in its Opposition. Second, the Commission has found Graphic to be financially qualified to construct the 30 cellular systems it proposes, including the Pittsburgh system. *See Advanced Mobile Phone Service, Inc. et al. (Chicago Order)*, FCC 82–452, released November 1, 1982, at paras. 6–12. CMS estimates that the costs of its proposed system total $8.125 million and has submitted a commitment letter from its parents, Graphic, confirming that $9.7 million will be available to cover these costs. Lastly, the Commission has also already held that the character of Graphic would be examined in the *ASD* proceeding and would not be included in cellular application proceedings. *Id.* at n. 19. Consistent with that decision, the Commission reserves the right to reexamine and reconsider the qualifications of CMS's to hold a cellular license should *ASD* be resolved against any of CMS's affiliates or parent companies or to any of their principals.

12. A final matter remains concerning CMS's application. On September 13, 1982, CMS filed an amendment which among other things, proposes to increase the 39 dBu contour coverage area of cells PA011001 and PA011005 and to reduce the ERP level for cell PA011013 to bring it in conformance with height/power limitations in our Rules. The proposals to increase the contour coverage areas are impermissable because they are not intended to bring the applications in conformance with the Rules but rather affect the applicant's comparative position. For example, CMS proposes to amend cells PA011001 and PA011005 ot cover areas proposed for coverage by other applicants.[5] With respect to the proposed change to cell PA011013, CMS will be required to file within fifteen days of the date of publication of this order in the **Federal Register**, an amendment that will bring the height/power parameters for cell PA011013 into compliance with Section 22.905 of the Rules. However, the amendment shall not cause the new 39 dBu contour to cover an area not previously covered by cell PA011013.

AMPS Application

13. MCI filed a Petition to Dismiss or Deny the AMPS application.[6] For the most part, MCI rehashes policies adopted and reaffirmed by the Commission in the cellular rulemaking proceeding. MCI argues that the Commission should not have allocated separate frequencies for cellular service to the wireline carriers and that AMPS' application should be placed in hearing with the nonwireline applications. Also, MCI asserts that granting AMPS' application ahead of the nonwireline applications will undermine, instead of promote, competition. These arguments constitute an untimely request for reconsideration of the *Report and Order, supra*, and are rejected. Also, MCI argues that AMPS (a wholly owned subsidiary of ATT) has not demonstrated that it is financially qualified. This allegation is totally unsupported and borders on the frivolous. MCI asserts that AMPS has failed to indicate with specificity its plans to insure adequate interconnection of the nonwireline's cellular system with the landline telephone network. On the contrary, ATT has submitted an interconnection proposal,[7] and both ATT and AMPS are presently participating with many nonwireline

[3] On the other hand, a mere possibility that a site will be available will not suffice. El Camino Broadcasting Corp., 12 FCC 2d 25 (Rev. Bd. 1968).

[4] *E.g.*, Salem Broadcasting Co., Inc., 37 FCC 2d 115, 117 (Rev. Bd. 1972).

[5] We will return the amendment as unacceptable. Also, we note that CMS indicated that the amendment was "minor" when in fact it proposed major changes. The practice of labeling all amendments as "minor" in hopes that they will be accepted is improper. The staff is required to spend an inordinate amount of time in sorting through such "minor" amendments to determine if the applicant is seeking substantially to change a part of the application. In the future, CMS should take care to correctly indicate whether the amendments proposed are "minor" or more substantial.

[6] CMS filed a Petition to Defer Agency Action on the AMPS application pending grant of a construction permit to a nonwireline applicant for Pittsburgh. We find it is premature to rule on this petition at this time for the reasons stated by the Commission in deferring action on such petitions in the Chicago market. *See* Chicago Order, *supra*, at para. 16.

[7] The interconnection proposal is described in two documents submitted by AT&T: Bell System Technical Reference, PUB43303, December 1981, and AT&T Technical Advisory No. 76, April 13, 1982.

applicants, among other parties, in Commission sponsored meetings to establish reasonable interconnection standards.[8] We therefore find that AMPS has satisfied the requirements of the Cellular Rules.

Conclusions

14. Based on our analysis of the applications and our resolution of the contested issues in this order, we find the applicants to be legally, technically, financially and otherwise qualified [9] to construct and operate their proposed cellular systems. As indicated in our previous discussions, the captioned CMS application does not comply with one of the cellular rules. In the *Chicago Order*, at para. 17, the Commission determined that inflexible application of the rules to the applications in the 30 largest markets would not be in the public interest. Accordingly, we are requiring CMS to bring its application into conformance with the rules as specified in this order. We emphasize that the amendment ordered here may not be used to give CMS a comparative advantage in the hearing proceeding. In markets other than the top 30, strict conformance with the rules will be required, and absent unusual circumstances, the applicants will not be allowed to amend nonconforming applications. We further find that the grant of the AMPS application will serve the public interest, convenience and necessity.

15. Accordingly, it is ordered that the application of Advanced Mobile Phone Service, Inc., File No. 26004–CL–P–(25)–82, IS GRANTED, conditioned upon the Commission's action on the AT&T Cellular Capitalization Plan submitted on May 25, 1982, as provided by § 22.901(d)(3) of the Commission's Rules.[10]

16. It is further ordered, pursuant to Section 309 of the Communications Act of 1934, as amended, that the applications of MCI Cellular Telephone Company, File No. 26111–CL–P–(14)–82, Celcom Communications Corporation of Pittsburgh, File No. 26157–CL–P–(11)–82, the Cellular Mobile Systems of Pennsylvania, Inc., File No. 26184–CL–P–(16)–82, are designated for hearing in a consolidated proceeding upon the following issues:[11]

(a) To determine on a comparative basis the geographic area and population that each applicant proposes to serve;[12] to determine and compare the relative demand for the services proposed in said areas; and to determine and compare the ability of each applicant's cellular system to accommodate the anticipated demand for both local and roamer service;

(b) To determine on a comparative basis each applicant's proposal for expanding its system capcity in a coordinated manner within its proposed CGSA in order to meet anticipated increasing demand for local and roamer service;[13]

(c) To determine on a comparative basis the nature and extent of the sevice proposed by each applicant, including each applicant's proposed rates, charges, maintenance, personnel, practices, classifications, regulations and facilities (including switching capabilities);[14] and

(d) To determine, in light of the evidence adduced under the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience and necessity.

17. It is further ordered that the Separated Trial Staff (the Hearing Division and other individuals specifically designated) of the Common Carrier Bureau is made a party to the proceeding.[15]

18. It is further ordered that the applicants shall file written notices of appearances under § 22.916(b)(3) of the Commission's Rules within 10 days after publication of this order in the **Federal Register.**

19. It is further ordered that the hearing shall be held according to the procedures specified in § 22.916 of the Rules, except as otherwise noted here, at a time and place and before an administrative law judge to be specified in a later order.

20. It is further ordered that exceptions to the initial decision of the Administrative Law Judge under § 1.276 of the Commission's Rules shall be taken directly to the Commission.

21. It is further ordered that Cellular Mobile Systems of Pennsylvania, Inc., is directed to file the conforming amendment specified in this order within 15 days after publication of this order in the **Federal Register** and that all applicants are directed to file rebuttal cases under § 22.916(b)(4) of the Rules within 45 rather than 30 days after publication of this order in the **Federal Register.**

22. It is further ordered that the Petitions to Deny filed by MCI Cellular Telephone Company, Celcom Communications Corporation of Pittsburgh and Cellular Mobile Systems of Pennsylvania, Inc., are denied.

23. It is further ordered that the amendment filed on September 13, 1982, by Cellular Mobile Systems of Pennsylvania, Inc., is returned as unacceptable.

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[8] We decline to assume, as MCI apparently does, that the local wireline carrier will not provide reasonable interconnection. In any event, if reasonable interconnection arrangements have not been formulated by the time AMPS files an application for a license to operate its cellular system, any grant to AMPS will be conditioned upon its providing reasonable interconnection. 89 FCC 2d at 81–82.

[9] We recognize that the qualifications of Graphic, CMS's parent, may be in issue in CC Docket Nos. 82–587, *et al. See* Chicago Order, *supra* note 19, for our disposition of this issue.

[10] The authorization also will be conditioned upon AMPS obtaining the appropriate antenna structure clearances. AMPS will not be authorized to render service to the public during service tests even after it files FCC Form 403 for a license to cover. Service to the public cannot commence until the covering license becomes effective. Equipment tests, however, may be conducted. AMPS' authorization (FCC Form 463) will reflect these conditions.

[11] As the Commission indicated in the Chicago Order, *supra*, there are two issues that are not to be considered in the comparative hearing. The first is the financial qualifications of the applicants. Financial ability is a basic rather than a comparative qualification for cellular licensing, *see* Cellular Communications Systems, 86 FCC 3d 469, 501–02 (1981), and we have found all of the applicants included in the comparative hearing to be financially qualified. The second issue not to be considered is the character of CMS or its parent Graphic to the extent that such qualifications may be affected by the issues included in the Commission's order designating certain 35 and 43 MHz paging applications for hearing. A.S.D. Answer Service, Inc., *et al.*, FCC 82–391, released August 24, 1982, *See also* para. 10, *supra*.

[12] For purposes of comparison, the geographic area that an applicant proposes to serve includes that area within the proposed 39 dBu contours which, in turn, falls within the proposed Cellular Geographic Servical Area and the relevant Standard Metropolitan Statistical Area.Consideration should be given to the presence of densely populated regions, highways and areas likely to have high mobile usage characteristics as well as indications of a substantial public need for the services proposed. *See* 86 FCC 2d at 502

[13] In making this comparison, preference should be given to designs entailing efficient frequency use, including not only the applicant's plans with regard to cell-splitting and additional channels, but also the degree of frequency reuse the system will be capable of, and the applicant's ability to coordinate the use of channels with adjacent or nearby cellular systems. *See* 86 FCC 2d at 502–03.

[14] *See* 86 FCC 2d at 503 for a discussion of the relative importance of the evidence submitted under this issue.

[15] Members of the Separated Trial Staff are non-decision making personnel and they will not participate in decision making or agency review on an *ex parte* basis in this case, either directly or through contact with other Common Carrier Bureau personnel. Any investigative or prosecuting functions will be performed by the Separated Trial Staff in connection with its role as a party to the adjudication of these cellular radio applications. All other personnel of the Common Carrier Bureau, unless identified in a subsequent order as required to be separated, are designated as decision-making and they may advise the Commission as to the ultimate disposition of any appeal of an Initial Decision in this proceeding. *See* Communications Act of 1934 as amended Section 409(c) (47 U.S.C. 409(c)); Administrative Procedure Act Section 554(d) (5 U.S.C. 554(d)); § 1.1221 of the Commission's Rules.

24. It is further ordered that any authorization granted to Cellular Mobile Systems of Pennsylvania, Inc., as a result of the comparative hearing shall be conditioned on, and without prejudice to, reexamination and reconsideration of that company's qualifications to hold a cellular license following a decision in the hearing designated in *A.S.D. Answering Service, Inc., et al.*, FCC 82-391, released August 24, 1982.

25. It is further ordered that any authorization granted as a result of this proceeding shall be conditioned upon obtaining the appropriate antenna structure clearances.

26. This order is issued under § 0.291 of the Commission's Rules and *Order Delegating Authority*, FCC 82-435, Released October 6, 1982, and is effective on its release date. Petitions for reconsideration under § 1.106 or applications for review under § 1.115 of the Rules may be filed within the time limits specified in those sections. *See also* Rules 1.4(b)(2).

27. The Secretary shall cause a copy of this order to be published in the **Federal Register.**

Gary M. Epstein,

Chief, Common Carrier Bureau.

[FR Doc. 82-33757 Filed 12-10-82; 8:45 am]

BILLING CODE 6712-01-M

Advisory Committee for the 1985 ITU World Administrative Radio Conference on the Use of the Geostationary Satellite Orbit and the Planning of the Space Services Utilizing It (Space WARC Advisory Committee)

December 7, 1982.

Task Group A-2 of Working Group A: Facilities & Technology.

Chairman: Jeffrey Binckes (202) 863-6864.

Date: Tuesday, January 11, 1983.

Time: 9:30 a.m.-2:00 p.m.

Location: Federal Communications Commission; 2025 M Street NW., Room 7317, Washington, D.C.

Task Group A-1 of Working Group A: U.S. Requirements.

Chairman: W. Naleszkiewicz (301) 652-4660.

Date: Wednesday, January 12, 1983.

Time: 9:30 a.m.-4:00 p.m.

Location: Federal Communications Commission, 2025 M Street NW., Room 7317, Washington, D.C.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82 33758 Filed 12-10-82; 8:45 am]

BILLING CODE 6712-01-M

[Docket No. CC 81-351; Transmittal No. 13663]

American Telephone & Telegraph Co.; Order

Adopted: December 3, 1982.

Released: *December 7, 1982.*

In the matter of AMERICAN TELEPHONE AND TELEGRAPH COMPANY revisions to tariff FCC Nos. 258 and 260, and the establishment of tariff FCC No. 269, for Series 7000 Terrestrial Television Transmission Services.

1. Before the Bureau is the request of American Broadcasting Companies, Inc., CBS, Inc., National Broadcasting Company, Inc., Cable News Network, Association of Independent Television Stations, Inc., Commissioner of Baseball, and Hughes Television Network (User Parties) for an indefinite deferral of the date for comments in this proceeding. Comments are now due to be filed on December 6, 1982. In support, the User Parties state that on December 1, 1982, they filed with the Commission an interim proposal for settlement of this investigation and believe that the Commission should seek comment on the proposal from American Telephone and Telegraph Company (AT&T) and other parties. They also state that settlement efforts are continuing.

2. We are currently studing the settlement proposal to determine whether any action along the lines suggested by the User Parties is warranted. In the meantime, we will extend the date for filing comments from December 6, 1982 to December 20, 1982.

3. Accordingly it is ordered, That the date for filing comments is deferred not later than December 20, 1982.

4. It is further ordered, That the Secretary will cause this Order to be published in the **Federal Register.**

5. It is further ordered, That this Order is effective upon adoption.

Federal Communications Commission.

Jack D. Smith,

Deputy Bureau Chief, Operations, Common Carrier Bureau.

[FR Doc. 82-33756 Filed 12-10-82; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 82-800, File No. BPCT-820809KG; MM Docket No. 82-801, File No. BPCT-820809KH]

Word T.V., Inc. and Thomas J. Mikos; For Construction Permit for a New Television Station; Designating Applications for Consolidated Hearing on Stated Issues

Hearing Designation Order

Adopted: December 2, 1982.

Released: December 6, 1982.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of WORD T.V. INC. (Word) and Thomas J. Mikos (Mikos) for a new commercial television station to operate on Channel 35, LaSalle, Illinois.

2. A *Notice of Proposed Rulemaking* (BC Docket No. 82-351, RM 4104, released July 1, 1982) proposes to amend § 73.606 (TV Table of Assignments) by deleting Channel 35 at LaSalle, Illinois, and adding Channel 35 at Pontiac, Illinois. Accordingly, a grant of either of the above applications will be conditioned upon the outcome of the rulemaking proceeding.

3. Mikos' application did not contain Page 2 of Section V-C F.C.C. Form 301. Mikos will be ordered to submit Page 2, Section V-C to the Administrative Law Judge within 30 days of the release of this Order.

4. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive television service of 64 dBu or greater intensity (Grade B), together with the availability of other primary (Grade B) television services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

Conclusion and Order

5. The applicants are qualified to construct and operate as proposed. Since the proposals are mutually exclusive, however, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, and amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

7. It is further ordered, That, in the event of a grant of either application, the

construction permit shall include the following condition: this construction permit is granted subject to the outcome of the rulemaking proceeding in BC Docket No. 82–351.

8. It is further ordered, That Thomas J. Mikos shall submit Page 2, Section V–C, F.C.C. Form 301, to the Administrative Law Judge within 30 days of the release of this Order.

9. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written apperance stating an intention to appear on the date fixed for hearing and to present evidence on the issues specified in this Order.

10. It is further ordered, That, the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 82–33755 Filed 12–10–82; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 981]

All Cargo Transport, Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond in favor of All Cargo Transport, Inc., 1777 SW. 3rd Avenue, Miami, FL 33129 was cancelled effective December 1, 1982.

By letter dated November 8, 1982, All Cargo Transport, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 981 would be automatically revoked unless a valid surety bond was filed with the Commission.

All Cargo Transport, Inc. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 981 be and is hereby revoked effective December 1, 1982.

It is ordered, that Independent Ocean Freight Forwarder License No. 981 issued to All Cargo Transport, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon All Cargo Transport, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 82–33775 Filed 12–10–82; 8:45 am]

BILLING CODE 6730–01–M

[Independent Ocean Freight Forwarder License No. 1150–R]

American International Forwarder Corp.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of American International Forwarder Corp., 260 Berry Street, San Francisco, CA 94107, was cancelled effective November 27, 1982.

By letter dated November 9, 1982, American International Forwarder Corp. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1159–R would be automatically revoked unless a valid surety bond was filed with the Commission.

American International Forwarder Corp. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1159–R be and is hereby revoked effective November 27, 1982.

It is ordered, that Independent Ocean Freight Forwarder License No. 1159–R issued to American International Forwarder Corp. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon American International Forwarder Corp.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 82–33777 Filed 12–10–82; 8:45 am]

BILLING CODE 6730–01–M

[Independent Ocean Freight Forwarder License No. 1801]

American Transport Systems, Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of American Transport Systems, Inc., 9324 N.W. 13th Street, Bay 13, Miami, FL 33172 was cancelled effective November 27, 1982.

By letter dated November 9, 1982, American Transport Systems, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1801 would be automatically revoked unless a valid surety bond was filed with the Commission.

American Transport Systems, Inc. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1801 be and is hereby revoked effective November 27, 1982.

It is ordered, that Independent Ocean Freight Forwarder License No. 1801 issued to American Transport Systems, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this order be published in the **Federal Register** and served upon American Transport Systems, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 82–33781 Filed 12–10–82; 8:45 am]

BILLING CODE 6730–01–M

[Independent Ocean Freight Forwarder License No. 2343–R]

Baile Del Sol, Inc., D.B.A. Sundance Enterprises; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a license to maintain a valid bond on file.

The bond issued in favor of Baile Del Sol, Inc. dba Sundance Enterprises, P.O. Box 60591, Houston, TX 77205 was cancelled effective November 10, 1982.

By letter dated October 18, 1982, Baile Del Sol, Inc. dba Sundance Enterprises was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 2343–R would be automatically revoked unless a valid surety bond was filed with the Commission.

Baile Del Sol, Inc. dba Sundance Enterprises has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2343–R be and is hereby revoked effective November 10, 1982.

It is ordered, that Independent Ocean Freight Forwarder License No. 2343–R issued to Baile Del Sol, Inc. dba Sundance Enterprises be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Baile Del Sol, Inc. dba Sundance Enterprises.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 82-33783 Filed 12-10-82; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1137]

Battery Maritime Corp., d.b.a. Battery Brokers & Forwarders; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Battery Maritime Corporation, d.b.a Battery Brokers & Forwarders, 310 Broad Street, Charleston, SC 29402 was cancelled effective November 17, 1982.

By letter dated October 18, 1982, Battery Maritime Corporation, dba Battery Brokers & Forwarders was advised by the Federal Maritime Commission that Independent Ocean Frieght Forwarder License No. 1137 would be automatically revoked unless a valid surety bond was filed with the Commission.

Battery Maritime Corporation, dba Battery Brokers & Forwarders has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1137 be and is hereby revoked effective November 17, 1982.

It is ordered, that Independent Ocean Freight Forwarder License No. 1137 issued to Battery Maritime Corporation, dba Battery Brokers & Forwarders be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Battery Maritime Corporation, dba Battery Brokers & Forwarders.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 82 33782 Filed 12-10-82; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1981]

Com-Air Freight Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Com-Air Freight, Inc., c/o Larry Denkler, 423 Pebbie Beach Place, Fullerton, CA 92635 was cancelled effective November 12, 1982.

By letter dated October 18, 1982, Com-Air Freight Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1981 would be automatically revoked unless a valid surety bond was filed with the Commission.

Com-Air Freight Inc. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1981 be and is hereby revoked effective November 12, 1982.

It is ordered, that Independent Ocean Freight Forwarder License No. 1981 issued to Com-Air Freight Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Com-Air Freight Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 82-33784 Filed 12-10-82; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1097]

Dever, Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Dever, Inc., 223 S Governor Printz Blvd., Philadelphia, PA 19113 was cancelled effective November 12, 1982.

By letter dated October 26, 1982, Dever, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1097 would be automatically revoked unless a valid surety bond was filed with the Commission.

Dever, Inc. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1097 be and is hereby revoked effective November 12, 1982.

It is ordered, that Independent Ocean Freight Forwarder License No. 1097 issued to Dever, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Dever, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 82-33774 Filed 12-10-82; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1674]

Eudmarco International Corp.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Eudmarco International Corporation, 325 Spring Street, New York, NY 10013 was cancelled effective November 25, 1982.

By letter dated November 9, 1982, Eudmarco International Corporation was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1674 would be automatically revoked unless a valid surety bond was filed with the Commission.

Eudmarco International Corporation has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1674 be and is hereby revoked effective November 25, 1982.

It is ordered, that Independent Ocean Freight Forwarder License No. 1674 issued to Eudmarco International Corporation be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Eudmarco International Corporation.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 82-33780 Filed 12-10-82; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1905]

Rosemary R. Downs, d.b.a. Rosemary R. Downs Custom House Broker and Foreign Freight Forwarder; Order of Revocation

On November 29, 1982, Rosemary R. Downs, d.b.a. Rosemary R. Downs Custom House Broker and Foreign Freight Forwarder, P.O. Box 1062, Charleston, SC 29402 surrendered her Independent Ocean Freight Forwarder License No. 1905 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(e) dated November 12, 1981;

It is ordered, that Independent Ocean Freight Forwarder License No. 1905 issued to Rosemary R. Downs, d.b.a. Rosemary R. Downs Custom House Broker and Foreign Freight Forwarder be revoked effective November 29, 1982, without prejudice to reapplication for a license in the future.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Rosemary R. Downs, d.b.a Rosemary R. Downs Custom House Broker and Foreign Freight Forwarder.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 82-33776 Filed 12-10-82; 8:45 am]

BILLING CODE 6730-01-M

Independent Ocean Freight Forwarder License; Applicants

Notice is herby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

George M. Hodgson, d.b.a. International Expediters Services, c/o 5812 8th Avenue, Los Angeles, CA 90043

Stephen Walter Seaquist, d.b.a. Maritime Transport International, 1851 Homeworth Drive, San Pedro, CA 97032

Golero Freight Forwarding, Inc., 7811 N.W. 72rd Avenue, Medley, FL 33166. Officers: Maria T. Leon, President, Aleida Rivero, Secretary, Julio Ayes, Vice President

Midwest Eastern Transport, 2222 California Road, P.O. Box 1614, Elkhart, IN 46515-1614. Officers: Richard Stamatovich, President/Stockholder, Morris J. Jones, Secretary/Treasurer/Stockholder

Continental Forwarding, Inc., One World Trade Center, Suite 1509, New York, NY 10048-0654. Officers: Franz Zinssmeister, President/Director/Sole Stockholder

Robert W. Cisco, d.b.a. Robert W. Cisco Custom House Broker, 226 Carondelet Street, Suite 1116, New Orleans, LA 70130

Kanguro Express, Inc., 8329 N.W. 66th Street, Miami, FL 33166. Officers: Gedeminas Orentas, President/Director/Stockholder, Carlota Orentas, Vice President/Secretary, Maria Elena Laria, Treasurer/Assistant Secretary

Chipner International Forwarding, Inc., Parkside Estates, Suite 260, Hartville, OH 44632. Officers: Lawrence P. Chipner, Stockholder/Director/President, George Vislosky, Jr., Stockholder/Director/Treasurer, James J. Conway, Secretary

Gondrand Transport Co., Inc., One World Trade Center, Suite 1571, New York, NY 10048. Officers: Hans Handschin, President/Director, Fernando V. Basta, Vice President, Achille P. Schmid, Treasurer, Andrew Freeman, Secretary/Director

Hydra Management, Inc., 3050 Post Oak Blvd., Houston, TX 77056. Officer: James A. Swann, President/Sole Stockholder

Sauter Corporation, 633 Matzinger Road, Toledo, OH 43612. Officers: Ulrich E. Sauter, President/Director/Stockholder, Fritz Biedermann, Secretary/Treasurer/Director/Stockholder, Frank J. Fink, Vice President/Director/Stockholder

By the Federal Maritime Commission.

Dated: December 8, 1982.

Francis C. Hurney,

Secretary.

[FR Doc. 82-33785 Filed 12-10-82; 8:45 am]

BILLING CODE 6730-01-M3

[Independent Ocean Freight Forwarder License No. 1939-R]

Mid Atlantic Shipping Co.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule

510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Mid Atlantic Shipping Company, P.O. Box 31467, Raleigh, NC 27622 was cancelled effective November 27, 1982.

By letter dated November 8, 1982, Mid Atlantic Shipping Company was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1939–R would be automatically revoked unless a valid surety bond was filed with the Commission.

Mid Atlantic Shipping Company has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1939–R be and is hereby revoked effective November 27, 1982.

It is ordered, that Independent Ocean Freight Forwarder License No. 1939–R issued to Mid Atlantic Shipping Company be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Mid Atlantic Shipping Company.

Albert J. Klingel, Jr.,

Director, Bureau of Certification & Licensing.

[FR Doc 82-33779 Filed 12-10-82; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2339]

Ryuichiro Ishida, d.b.a. Ace Airmarine Transport; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Ryuichiro Ishida, d.b.a. Ace Airmarine Transport, 251 5th Avenue, Oakland, CA 94606 was cancelled effective November 17, 1982.

By letter dated October 19, 1982, Ryuichiro Ishida, d.b.a. Ace Airmarine Transport was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 2339 would be automatically revoked unless a valid surety bond was filed with the Commission.

Ryuichiro Ishida, d.b.a. Ace Airmarine Transport has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2339 be and is hereby revoked effective November 17, 1982.

It is ordered, that Independent Ocean Freight Forwarder License No. 2339 issued to Ryuichiro Ishida, d.b.a. Ace Airmarine Transport be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Ryuichiro Ishida, d.b.a. Ace Airmarine Transport.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 82-33778 Filed 12-10-82; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Banc One Corporation*, Columbus, Ohio; to acquire 100 percent of the voting shares of Tower National Bank of Lima, Lima, Ohio. Comments on this application must be received not later than January 7, 1983.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Broadway Bancshares, Inc.*, Kansas City, Missouri; to acquire 25 percent of the voting shares or assets of TBI Bancshares, Inc., Kansas City, Missouri, a proposed bank holding company for Traders Bank of Kansas City, Kansas City, Missouri. Comments on this application must be received not later than January 5, 1983.

2. *International Bancshares, Inc.*, Gladstone, Missouri; to acquire 25 percent of the voting shares or assets of TBI Bancshares, Inc., Kansas City, Missouri, a proposed bank holding company for Traders Bank of Kansas City, Kansas City, Missouri. Comments on this application must be received not later than January 5, 1983.

3. *Metro Bancshares, Inc.*, Kansas City, Missouri; to acquire 25 percent of the voting shares or assets of TBI Bancshares, Inc., Kansas City, Missouri, a proposed bank holding company for Traders Bank of Kansas City, Kansas City, Missouri. Comments on this application must be received not later than January 5, 1983.

4. *Metropolitan Bancshares, Inc.*, Kansas City, Missouri; to acquire 25 percent of the voting shares or assets of TBI Bancshares, Inc., Kansas City, Missouri, a proposed bank holding company for Traders Bank of Kansas City, Kansas City, Missouri. Comments on this application must be received not later than January 5, 1983

5. *Union Bancorporation, Inc.*, Oklahoma City, Oklahoma; to acquire 7.3 percent of the voting shares of United Oklahoma Bancshares, Inc., Oklahoma City, Oklahoma. Comments on this application must be received not later than January 5, 1983

C. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Victoria Bankshares, Inc.*, Victoria, Texas; to acquire 100 percent of the voting shares or assets of Bank of Commerce, Point Comfort, Texas. Comments on this application must be received not later than January 5, 1983.

D. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Washington Community Bancshares, Inc.*, Tacoma, Washington; to acquire 100 percent of the voting shares or assets of Tumwater State Bank, Tumwater, Washington. Comments on this application must be received not later than January 3, 1983.

E. **Board of Governors of the Federal Reserve System**, Washington, D.C. 20551:

1. *Barnett Banks of Florida, Inc.*, Jacksonville, Florida; to acquire 100 percent of the voting shares or assets of The State Exchange Bank, Lake City, Florida and Treasure Coast Bankcorp, Inc., Port St. Lucie, Florida and thereby indirectly acquire all the voting shares of Port St. Lucie Bank, Port St. Lucie, Florida. This application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Comments on this application must be received not later than January 7, 1983.

2. *Tennessee Homestead Company*, Ogden, Utah; to acquire 12.99 percent of the voting shares or assets of Bank of Utah, Ogden, Utah. This application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Comments on this application must be received not later than January 7, 1983.

Board of Governors of the Federal Reserve System, December 7, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82-33695 Filed 12-10-82; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Exchange Financial Corporation*, Mount Sterling, Kentucky; to become a bank holding company by acquiring 80 percent of the voting shares of The Exchange Bank of Kentucky, Mount Sterling, Kentucky. Comments on this application must be received not later than January 7, 1983.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 55480:

1. *TBI Bancshares, Inc., Kansas City*, Missouri; to become a bank holding company by acquiring 100 percent of the voting shares of Traders Bank of Kansas City, Kansas City, Missouri. Comments on this application must be received not later than January 5, 1983.

C. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Quadco Banshares, Inc.*, Ladonia, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of Farmers and Merchants State Bank, Ladonia, Texas. Comments on this application must be received not later than January 7, 1983.

2. *Sobank, Inc.*, Tyler, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Southside State Bank, Tyler, Texas. Comments on this application must be received not later than January 7, 1983.

D. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Tri-Valley Bancorp*, Dublin, California; to become a bank holding company by acquiring 100 percent of the voting shares of Tri-Valley National Bank, Dublin, California. Comments on this application must be received not later than January 7, 1983.

Board of Governors of the Federal Reserve System, December 7, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82-33694 Filed 12-10-82; 8:45 am]

BILLING CODE 6210-01-M

Bankamerica Corp.; Proposed Acquisition of BA Futures, Inc.

BankAmerica Corporation, San Francisco, California, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(a) of the Board's Regulation Y (12 CFR 225.4(a)), for permission to acquire voting shares of BA Futures, Inc., San Francisco, California.

Applicant states that the proposed subsidiary would engage as futures commission merchant for nonaffiliated persons, in the execution and clearance of futures contracts on major commodity exchanges. Such contracts would cover foreign exchange, U.S. Government securities, negotiable U.S. money markets instruments and other money market instruments. These activities would be performed from offices of Applicant's subsidiary in Atlanta, Georgia; Chicago, Illinois; Houston, Texas; Los Angeles and San Francisco, California; New York, New York; and London, United Kingdom, and the geographic area to be served is worldwide.

Section 4(c)(8) of the Bank Holding Company Act provides that a bank holding company may, with Board approval, engage in any activity "which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto." 12 U.S.C. 1843(c)(8). The proposed activity has not been specified by the Board in 225.4(a) of Regulation Y as permissible for bank holding companies. Applicant believes, however, that the activity is closely related to banking and proper incident thereto, and this opinion is based in part on Board Orders involving J. P. Morgan & Co., Incorporated, (68 *Federal Reserve Bulletin* 514) and Bankers Trust New York Corporation (68 Federal *Reserve Bulletin* 651).

Interested persons may express their views on whether the proposed activity is "so closely related to banking or managing or controlling banks as to be a proper incident thereto," whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resource, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request of a hearing on these questions must be accompanied by a statement of the reasons why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 4, 1983.

Board of Governors of the Federal Reserve System, December 6, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-33696 Filed 12-10-82; 8:45 am]

BILLING CODE 6210-01-M

Drake Holding Company, Inc.; Formation of Bank Holding Company

Drake Holding Company, Inc., Radcliffe, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Security State Bank, Radcliffe, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Drake Holding Company, Inc., has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to engage in general insurance activities in a town with a population of less than 5,000. These activities would be performed from offices of Applicant's bank subsidiary in Radcliffe, Iowa, and the geographic area to be served is Radcliffe, Iowa. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than December 25, 1982.

Board of Governors of the Federal Reserve System, December 7, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82-33693 Filed 12-10-82; 8:45 am]

BILLING CODE 6210-01-M

First Arkansas Bankstock Corp.; Acquisition of Bank

First Arkansas Bankstock Corporation, Little Rock, Arkansas, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to acquire 9 percent of the voting shares of Pope County Bankshares, Inc., Russellville, Arkansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842)).

First Arkansas Bankstock Corporation, Little Rock, Arkansas, is also engaged in the following nonbank activities: Originating and servicing mortgage loans; real and personal property leasing activities; industrial loan company activities; acting as an agent in the sale of mortgage redemption insurance, credit life, accident and health insurance directly related to extensions of credit by a subsidiary company; reinsuring credit life, accident and health insurance. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 4, 1983.

Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 6, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-33697 Filed 12-10-82; 8:45 am]

BILLING CODE 6210-01-M

First Security Corp.; Proposed Insurance Activities

First Security Corporation, Salt Lake City, Utah, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 255.4(b)(2)), for permission to engage in the activities of selling credit life and credit disability insurance in connection with extensions of credit made by its subsidiary, First Security Financial, Inc. These activities would be performed from offices of Applicant's subsidiary in Salt Lake City, Murray, Bountiful, and Orem, Utah, and the geographic areas to be served are Salt Lake, Davis, and Utah Counties, Utah. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any person wishing to comment on the Application should submit views in writing to the Reserve Bank to be received not later than December 24, 1982.

Board of Governors of the Federal Reserve System, December 6, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-33698 Filed 12-10-82; 8:45 am]

BILLING CODE 6210-01-M

InterFirst Corp.; Acquisition of Bank

InterFirst Corporation, Dallas, Texas, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C.

1842(a)(5)) to merge with First United Bancorporation, Inc., Fort Worth, Texas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

InterFirst Corporation, Dallas, Texas, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Texas Credit Life Insurance Company, Fort Worth, Texas.

Applicant states that the proposed subsidiary would engage in the activities of underwriting credit life and accident and heath insurance in connection with extensions of consumer credit made by its affiliated banks within the State of Texas. These activities would be performed from offices of Applicant's subsidiary in Fort Worth, Texas, and the geographic area to be served is the State of Texas.

InterFirst Corporation, Dallas, Texas, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of First United Services, Inc., Fort Worth, Texas.

Applicant states that the proposed subsidiary would engage in the activities of furnishing computer programming and other software services as well as data processing, proof-transit, bookeeping and items processing service to First United Bancorporation, Inc. ("First United") and its subsidiaries and other nonaffiliated banks in the State of Texas. These activities would be performed from offices of Applicant's subsidiary in Fort Worth, Texas, and the geographic area to be served is the State of Texas. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The Application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C not later than January 4, 1983.

Board of the Governors of the Federal Reserve System, December 6, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-33699 Filed 12-10-82; 8:45 am]

BILLING CODE 6210-01-M

Maine National Corp. et al.; Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3 (c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Maine National Corp.*, Portland, Maine; to become a bank holding company by acquiring 100 percent of the voting shares of Maine National Bank, Portland, Maine. Comments on this application must be received not later than January 6, 1983.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Valley Financial Services, Inc.*, South Elgin, Illinois; to become a bank holding company by acquiring 80 percent of the voting shares of Valley Bank and Trust Company, South Elgin, Illinois. Comments on this application must be received not later than January 6, 1983.

C. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Security Capital Corporation*, Batesville, Mississippi; to become a bank holding company by acquiring 80 percent of the voting shares of the successor by merger to Batesville Security Bank, Batesville, Mississippi. Comments on this application must be received not later than January 6, 1983.

D. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *C.J. Bancshares, Inc.*, Carl Junction, Missouri; to become a bank holding company by acquiring 90 percent of the voting shares of Citizens Bank of Carl Junction, Carl Junction, Missouri. Comments on this application must be received not later than January 6, 1983.

2. *Granada Bankshares, Inc.*, Granada, Colorado; to become a bank holding company by acquiring 88 percent of the voting shares of The American State Bank, Granada, Colorado. Comments on this application must be received not later than January 5, 1983.

3. *Holly Bankshares, Inc.*, Holly, Colorado; to become a bank holding company by acquiring 100 percent of the voting shares of First Bank & Trust, Holly, Colorado. Comments on this application must be received not later than January 6, 1983.

E. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansame Street, San Francisco, California 94120:

1. *Continental Bancorp*, Fresno, California; to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to Continental National Bank, Fresno, California. Comments on this application must be received not later than January 4, 1983.

2. *INB Bancorp*, Covina, California; to become a bank holding company by acquiring 100 percent of the voting shares of Independence National Bank (In Organization), Covina, California. Comments on this application must be received not later than January 4, 1983.

Board of Governors of the Federal Reserve System, December 6, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-33700 Filed 12-10-82; 8:45 am]

BILLING CODE 6210-01-M

Southern National Corp. and Southern Bancorporation, Inc.; Proposed Acquisition of Southern International Corporation

Southern National Corporation, Lumberton, North Carolina, and Southern Bancorporation, Inc., Greenville, South Carolina, have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Southern International Corporation, Charlotte, North Carolina.

Applicant states that the proposed subsidiary would engage in international banking services such as issuing letters of credit, collecting funds, soliciting loans, assisting in foreign currency transactions, accepting or discounting of drafts, negotiating documents, and related transactions for customers of affiliated banks. These activities would be conducted from offices of Applicant's subsidiary in Charlotte, North Carolina, and the geographic areas to be served are South Carolina and North Carolina. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 4, 1983.

Board of Governors of the Federal Reserve System, December 6, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-33701 Filed 12-10-82; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Certain Chemical Agents; Request for Information

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control, Public Health Service, HHS.

ACTION: Notice of request for information.

SUMMARY: This notice solicits information for the preparation of information profiles on industrial chemicals. The information will be used in the evaluation of exposure and potential safety or health hazards in the workplace and in the process of setting priorities for research or hazard documentation.

DATE: Comments concerning this notice should be submitted by February 11, 1983.

ADDRESSES: Comments and recommendations should be submitted in writing to: Mr. Richard A. Lemen, Director, Division of Standards Development and Technology Transfer, National Institute for Occupational Safety and Health, 4676 Columbia Parkway (C-14), Cincinnati, Ohio 45226.

FOR FURTHER INFORMATION CONTACT: David L. West, Ph.D., Acting Chief, Priorities Research and Analysis Branch, NIOSH, 5600 Fishers Lane, Rm. 8A-07. Rockville, MD 20857 (301) 443-3680.

SUPPLEMENTARY INFORMATION: Under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651, et seq.) NIOSH is authorized to develop criteria dealing with toxic materials which will describe exposure levels that are safe for various periods of employment and to develop recommended occupational safety and health standards. In order to establish the basis for criteria development, NIOSH has been authorized to develop and conduct research, demonstrations, and experiments. NIOSH is proposing to develop, or will consider additional proposals to develop, information profiles to describe current or potential occupational exposures to industrial chemicals and to describe what is known of their biological or toxicological effects. Subsequent to profile development and evaluation, NIOSH will establish priorities for research projects or document preparation which may lead to recommended standards or other guidelines. The following subjects are being considered for information profile preparation:

	Chemical abstract service registry No. (CAS No.)
1. propene	115-07-1
2. hydrogen chloride	7647-01-0
3. zinc	7440-66-6
4. carbamic acid, ammonium salt	1111-78-0
5. t-butylhydroperoxide	75-91-2
6. propene polymers	9003-07-0
7. 1,6-hexanediamine	124-09-4
8. 4,4'-isopropylidenediphenol	80-05-7
9. sodium sulfite	7757-83-7
10. sodium sulfide	16721-80-5
11. butyraldehyde	123-72-8
12. calcium peroxide	1305-79-9
13. zinc sulfate	7733-02-0
14. 2H-azepin-2-one, hexahydro-	105-60-2
15. cumene hydroperoxide	80-15-9
16. phenol, 4,4'-isopropylidenedi-, monomer with 1-chloro-2,3-epoxypropane	25068-38-6
17. 2,2'-iminodiethanol	111-42-2
18. poly(methyl methacrylate) (dust)	9011-14-7
19. isoprene	78-79-5
20. silicon	7440-21-3
21. 1,4-butanediol	110-63-4
22. hydroxylamine, sulfate (2:1)t	10039-54-0
23. 2-butyne-1,4- dol	110-65-6
24. silicic acid, disodium salt (dust)	6834-92-0
25. cyclohexylamine	108-91-8
26. thiosulfuric acid, disodium salt	7772-98-7
27. hexamethylenetetramine	100-97-0
28. phosphoryl chloride	10025-87-3
29. silicon chloride	10026-04-7
30. sodium bisulfite	7631-90-5
31. sodium nitrilotriacetate	5064-31-3
32. propionic acid, 2-methyl-, monoester with 2,2,4-trimethyl-1,3-pentanediol	25265-77-4
33. 1-octadecanol	112-92-5
34. 9-octadecenoic acid, (Z)-	112-80-1
35. hexyl alcohol	111-27-3
36. sodium polyacrylate	9003-04-7
37. polyvinyl alcohol	9002-89-5
38. 1,2,4-trichlorobenzene	120-82-1
39. dodecyl alcohol	112-53-8
40. ethane, 1,2-dichloro-1,1,2,2-tetrafluoro	76-14-2
41. benzoyl chloride	98-88-4
42. 2,4,5-trichlorophenol	95-95-4
43. triphenyl ester phosphorous acid	101-02-0
44. 4,4'-methylenedianiline	101-77-9
45. phosphoric acid, tritolyl ester	1330-78-5
46. ethanol, 2 amino-	141-43-5
47. ethanol, 2,2',2''-nitrilotri-	102-71-6
48. naphthenic acid, lead salt	61790-14-5
49. diphenylamine	122-39-4
50. 2-benzothiazolethiol	149-30-4
51. s-triazine-2,4,6(1H,3H,5H)-trione, dichloro, sodium salt	2893-78-9
52. acetic acid, chloro-	79-11-8
53. 2-biphenylol	90-43-7
54. p-toluenesulfonic acid, sodium salt	657-84-1
55. dibutylamine	111-92-2
56. o-cresol, 4-chloro-alpha-phenyl	120-32-1
57. benzenamine, 4-((4-aminophenyl)(4-imino-2,5-cyclohexadien-1-ylidene)methyl)-,monohydrochloride	569-61-9
58. ethanol, 2-butoxy-, phosphate (3:1)	78-51-3
59. titanium	7440-32-6
60. melamine	108-78-1
61. ethylenediamine, dihydrochloride	333-18-6

	Chemical abstract service registry No. (CAS No.)
62. pentachlorophenol	87-86-5
63. acetic acid, vinyl ester, polymer with chloroethylene	9003-22-9
64. benzothiazole, 2,2'-dithiobis-	120-78-5
65. 2,6-octadienal, 3,7-dimethyl-	5392-40-5
66. diethylenetriamine	111-40-0
67. ethylene, chloro-, polymer	9002-86-2
68. p-toluenesulfonic acid	104-15-4
69. 2-benzothiazolethiol, sodium salt	2492-26-4
70. resorcinol	108-46-3
71. 1-hexanol, 2-ethyl-	104-76-7
72. 2-butanone, peroxide	1338-23-4
73. 2-benzothiazolethiol, zinc salt (2:1)	155-04-4

NIOSH is particularly interested in unpublished information pertaining to use, exposures, acute and chronic health effects, existence or concentrations in the workplace, and environmental/engineering controls on the subjects listed above. Information sent to NIOSH, together with information otherwise available to the agency from published literature and other sources, will be used to establish priorities for research and/or document preparation.

All information received in response to this notice, except that designated as trade secret and protected by section 15 of the Occupational Safety and Health Act, will be available for public examination and copying at the above address.

Dated: December 3, 1982.

J. Donald Miller,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 82-33692 Filed 12-10-82; 8:45 am]

BILLING CODE 4160-19-M

Health Care Financing Administration

Pharmaceutical Reimbursement Board; Cancellation of Public Hearing on Maximum Allowable Cost (MAC) Limits

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of cancellation of public hearing.

SUMMARY: This notice cancels the public hearing before the Pharmaceutical Reimbursement Board (PRB) originally announced in the **Federal Register** on November 3, 1982 (47 FR 49895) and scheduled for December 14, 1982.

The end of the period for submitting requests to appear at the hearing was December 3, 1982. Because no requests were received by the PRB by the close of that period, a decision has been made to cancel this public hearing.

FOR FURTHER INFORMATION CONTACT: Charles Spalding (301) 594-5403.

Dated: December 8, 1982.

Peter J. Rodler,

Chairman, Pharmaceutical Reimbursement Board.

[FR Doc. 82-33912 Filed 12-9-82; 4:12 pm]

BILLING CODE 4120-03-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing-Federal Housing Commissioner, Office of Interstate Land Sales Registration

[Docket No. N-82-1190]

Request for State Certification

AGENCY: Office of Interstate Land Sales Registration, HUD.

ACTION: Notice of Application by the State of Georgia for State Certification.

SUMMARY: The Secretary gives public notice that the State of Georgia has applied for certification of its land sales program under 24 CFR 1710.502, published June 13, 1980. The purpose of giving this public notice is to give other states and interested parties the opportunity to review and comment on Georgia's application.

DATE: Comments should be submitted no later than 30 days after this Notice of Application has been published.

ADDRESS: Send comments to the Office of Interstate Land Sales Registration, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Roger G. Henderson, Director, Program Development and Control Division, Department of HUD, Room 4106, Washington D.C. 20410. Telephone: (202) 755-5618. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The amendments to the Interstate Land Sales Full Disclosure Act were signed into law by the President on December 21, 1979 (Pub. L. 96-153). On June 13, 1980, the Department published 24 CFR Parts 1710, 1715, 1720, and 1730 (Docket No. R-80-778) to implement the amendments. Section 1710.502 provides that a state may submit an application for certification of its land sales program to the Office of Interstate Land Sales Registration.

Once a State has been certified by the Secretary, developers may accomplish the Federal land registration requirements by filing with the Secretary materials designated by agreement with certified states in lieu of the Federal Statement of Record and Property Report. The State of Georgia has submitted an application which is under consideration. The States of California, Minnesota, Florida, Arizona have submitted applications and are certified. California was certified on January 6, 1981, Minnesota on October 2, 1981, Florida on January 18, 1982 and Arizona on February 3, 1982.

Any person(s) interested in receiving the application materials prepared by the State of Georgia may request copies of them from the Office of Interstate Land Sales Registration from the address above. After the 30 day public comment period ends, the Secretary's final determination to accept or reject Georgia's application for certification will be published in the **Federal Register.**

Dated: December 8, 1982.

Philip Abrams,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 82-33754 Filed 12-10-82; 8:45 am]

BILLING CODE 4210-27-M

Office of the Secretary

[Docket No. N-82-1189]

Privacy Act of 1974; New System of Records

AGENCY: Housing and Urban Development Department.

ACTION: Notification of system of records.

SUMMARY: The Department is giving notice of a system of records it maintains which is subject to the Privacy Act of 1974.

EFFECTIVE DATE: This notice shall become effective without further notice on January 12, 1983, unless comments are received on or before that date which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Robert English, Departmental Privacy Act Officer, Telephone 202-755-5320. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The system is Interstate Land Sales Registration Files. It contains information concerning developers of land offering 25 or more lots for sale who use any means or instruments of interstate commerce (including the mails) in promoting or selling the properties. The system is used to satisfy the requirements of the Interstate Land

Sales Full Disclosure Act, and in the administration and management of the Interstate Land Sales Registration Program.

A Notice of the existence of this system of records was published in the **Federal Register** on Thursday, August 28, 1975 at 40 FR 39760. Subsequently it was determined that the records were not subject to the Privacy Act, and on September 9, 1977 at 42 FR 45386, notice was published in the **Federal Register** deleting the system of records from the HUD inventory of Privacy Act systems of records.

The matter has been reconsidered, and it has been determined that the records, as presently constituted, are subject to the Privacy Act and that notice of their existence must be published in the **Federal Register.**

The Interstate Land Sales Full Disclosure Act specifically requires that information filed with the Office of Interstate Land Sales Registration must be made available to the public (15 U.S.C. 1704(d)). This required release is noted as a routine use of the records in this system. Accordingly, no notice is required to be given registrants before the release of information to the public.

The prefatory statement containing General Routine Uses applicable to most of the Department's systems of records was published at 47 FR 34322 (August 6, 1982). Appendix A, which lists the addresses of HUD's Field Offices, was published at 47 FR 34331 (August 6, 1982). A new system report was filed with the Speaker of the House, the President of the Senate, and the Director of the Office of Management and Budget on October 28, 1982.

HUD/H-14

SYSTEM NAME:

Interstate Land Sales Registration Files.

SYSTEM LOCATION:

Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Developers of land offering 25 or more lots for sale and using any means or instruments of interstate commerce including the mails.

CATEGORIES OF RECORDS IN THE SYSTEM:

Property reports; statements of record including documentation such as corporate charter, individual and corporate financial statements, title policy, deeds, mortgages, local ordinances, health regulations, availability of utilities, plats, information on roads and recreational facilities and contracts; statistical records; budget estimates; microfilm information; exemption applications; and related information and documentation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 1704(d).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Routine Uses paragraphs in prefatory statements. Other routine uses: To contractor for microfilming; to the general public in accordance with provisions of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1704(d)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In file folders, microfilm and on magnetic tape, disc, or drum.

RETRIEVABILITY:

OILSR file number, name of subdivision or name of the developer.

SAFEGUARDS:

Manual records are kept in secured area. Computer facilities are secured and accessible only by authorized personnel, and all files are stored in a secured area. Technical restraints are employed with regard to accessing the automated files.

RETENTION AND DISPOSAL:

Files on subdivisions are active and kept up-to-date in a secured area. Files are in the process of being microfilmed and will be retained in the Records and Control Branch. HUD handbooks establish procedures for retention and disposition of other records.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Interstate Land Sales Registration, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410

NOTIFICATION PROCEDURE:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the Headquarters location, in accordance with 24 CFR Part 16. This location is given in Appendix A.

RECORD ACCESS PROCEDURES:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the Headquarters location. This location is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed in relation to contesting the contents of records, it may be obtained by contacting the Privacy Act Officer at the Headquarters location. This location is given in Appendix A. If additional information or assistance is needed in relation to appeals of initial denials, it may be obtained by contacting the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

RECORD SOURCE CATEGORIES:

Subject individuals; HUD field representatives.

(5 U.S.C. 552a, 88 Stat. 1896; Sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d))

Dated: December 3, 1982.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 82-33790 Filed 12-10-82; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[C-35774]

Colorado; Classification of Public Lands for State Indemnity Selection

December 3, 1982.

1. Pursuant to Sections 2275 and 2276 of the Revised Statutes, as amended (43 U.S.C. 851, 852), and the provisions granted to the State of Colorado by the Act of March 3, 1875 (18 Stat. 475), the public lands described below are hereby classified for State Indemnity Selection. The State of Colorado has filed an application to acquire the described lands in lieu of certain school lands that were encumbered by other rights or reservations before the State's title could attach. This application was assigned serial number Colorado 35774.

2. The notice of proposed classification of these lands was published in the **Federal Register** of July 7, 1982, Vol. 47, No. 130, pages 29607–29609. The land is being classified as proposed.

3. The lands included in this proposed classification are in Grand County and are described below. The names of holders of leases, permits and/or rights-of-way, and the identifying number of each use authorization, as well as other

encumbrances on the land were listed in the Notice of Proposed Classification:

Sixth Principal Meridian

Parcel 1: T. 1 N., R. 76 W.,
Sec. 7, NW¼NE¼.
Parcel 2: T. 1 N., R. 76 W.,
Sec. 7, SE¼NE¼, that portion lying west of the centerline of U.S. Highway 40, described in right-of-way C-0107366.
Parcel 3: T. 1 N., R. 76 W.,
Sec. 7, Lot 4, SE¼SW¼, and SW¼SE¼;
Sec. 18, Lots 1 and 2, NW¼NE¼, and NE¼NW¼.
Parcel 4: T. 1 N., R. 80 W.,
Sec. 9, E½, S½NE¼NW¼, SE¼NW¼, and E½SW¼.
Parcel 5: T. 1 N., R. 80 W.,
Sec. 15, Lots 1 and 2;
Those portions of Lots 3 and 4 and the N½NE¼ lying northerly of the centerline of U.S. Highway 40, described in right-of-way C-019224.

The areas described contain approximately 990 acres.

4. This classification decision is based on the following disposal criteria set forth in Title 43 Code of Federal Regulations, Part 2400.

Transfer of the lands to the State will help fulfull the Federal Government's common school land grant to the State, and constitutes a public purpose use of the land. Lands found to be valuable for a public purpose use will be considered chiefly valuable for public purposes (43 CFR 2430.2b).

5. Rights-of-way granted by the Bureau of Land Management on the above lands will transfer with the land. Oil and gas leases will remain in effect under the terms and conditions of the lease. State law and Board of Land Commissioners procedures provide for the offering to holders of Bureau of Land Management grazing permits, licenses or leases the first right to lease lands that are transferred to the State.

In the event these lands are clearlisted, the Bureau of Land Management authorized grazing use will terminate at the time title to the land is transferred to the state.

Any cultural resources will be managed by the State. A study has been made of the areas which indicates little potential for mineral exploration for locatable minerals. No evidence of mining development has been found on the ground.

6. The public lands classified by this notice are shown on maps on file and available for inspection in the Bureau of Land Management District Office, 455 Emerson Street, P. O. Box 248, Craig, Colorado 81626, Phone (303) 824-8261.

7. For a period of 30 days from the date of publication in the **Federal Register**, this classification shall be subject to exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2461.3 and 2462.3. Interested parties may submit comments to the Secretary of the Interior, LLM 320, Washington, D.C. 20240.

Cecil Roberts,

Acting State Director.

[FR Doc. 82-33712 Filed 12-10-82; 8:45 am]

BILLING CODE 4310-84-M

[C-35774]

Colorado; Proposed Classification of Public Lands for State Indemnity Selection

December 3, 1982.

1. The Colorado State Board of Land Commissioners has filed an amended petition for classification and application to acquire the public lands, excepting the mineral estate, described in paragraph five below, under the provisions of Sections 2275 and 2276 of the Revised Statutes, as amended (43 U.S.C. 851, 852), in lieu of certain school lands granted to the State under Section 7 of the Act of March 3, 1875 (18 Stat. 475) that were encumbered by other rights or reservations before the State's title could attach. This amendment has been added to an earlier petition-application, Serial Number Colorado 35774.

2. The Bureau of Land Management will examine these lands for evidence of prior valid rights or other statutory constraints that would bar transfer. The lands found suitable for transfer will be held to be classified 60 days from date of publication of this notice in the **Federal Register.** Classification is pursuant to Title 43 Code of Federal Regulations, Subpart 2400 and Section 7 of the act of June 8, 1934 (48 Stat. 1272), as amended (43 U.S.C. 315f).

3. Information concerning these lands and the proposed transfer to the State of Colorado may be obtained from the District Manager, Bureau of Land Management, Montrose District, 2465 South Townsend, P.O. Box 1269, Montrose, Colorado 81402, phone 249-7791.

4. For a period of 60 days from the date of publication of this notice in the **Federal Register**, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager listed above. Any adverse comments will be evaluated by the BLM Colorado State Director who will issue a notice of determination to proceed with, modify, or cancel the action. In the absence of any action by the State Director, this classification will become the final determination of the Secretary. As provided by Title 43 Code of Federal Regulations, Subpart 2462.1, a public hearing will be scheduled by the District Manager if he determines that sufficient public interest exists to warrant the time and expense of a hearing.

5. The lands included in this proposed classification are in western Montrose County, Colorado. They are described by metes and bounds which conform to approximately the following legal description:

New Mexico Principal Meridian

T. 48 N. R. 16 W.,
Sec. 19, lot 1, approximately the S½;
Sec. 19, lot 2;
Sec. 19, lot 3, approximately the N½; W½SW¼NE¼NW¼, and W½NW¼ SE¼NW¼.
T. 48 N., R. 17 W.,
Sec. 24, SE¼NE¼NE¼, E½SW¼NE¼NE¼, E½W½SE¼NE¼, E½SE¼NE¼, S½NE¼ SW¼, SE¼NW¼SW¼, S½SW¼, NE¼NE¼ SE¼, E½NW¼NE¼SE¼, S½N½SE¼, SW¼SE¼, W½SE¼SE¼, and W½E½ SE¼SE¼;
Sec. 25, N½, W½SW¼, E½NE¼NE¼SW¼, W½E½SW¼, W½E½SW¼, W½NE¼ NE¼SE¼, NW¼NE¼SE¼, and N½NW¼ SE¼;
Sec. 26, NE¼NE¼, E½SE¼NE¼, NW¼SE¼ NE¼, NE¼SW¼NE¼, E½NE¼SE¼, SW¼NE¼SE¼, SE¼NW¼SE¼, E½SW¼ SE¼, and SE¼SE¼.

The area described contains approximately 1,100 acres of public lands

A linear strip approximately 100 feet wide and 9,800 feet long through the following described public land:

T. 48 N., R. 17 W.,
Sec. 26, S½NE¼, N½SW¼, SW¼SW¼, and NW¼SE¼;
Sec. 27, S½SE¼;
Sec. 34, Lots 20, 21, 22, 24 and 25.

The area described contains approximately 23 acres of public land.

A linear strip approximately 14,500 feet in length, of which approximately 10,200 feet is 200 feet in width, and 4,300 feet is 150 feet in width.

T. 48 N., R. 17 W.,
Sec. 26, S½SW¼ and SW¼SE¼;
Sec. 27, Lot 3 and SE¼SE¼;
Sec. 34, Lots 1, 20, 21, 22, and 24;
Sec. 35, NW¼NE¼, and NE¼NW¼.

The area described contains approximately 62 acres.

6. Rights-of-way granted by the Bureau of Land Management on the above lands will transfer with the land. Oil and gas leases will remain in effect under the terms and conditions of the lease. This classification notice constitutes official notice to the holder

of grazing use authorization from the Bureau of Land Management that such authorization will be terminated in part upon transfer of the land described above to the State of Colorado.

Cecil Roberts,

Acting State Director.

[FR Doc. 82-33713 Filed 12-10-82; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Insignificant Revision in July 1982 5-Year Outer Continental Shelf Leasing Schedule, Sale No. 52

AGENCY: Minerals Managment Service, Interior.

ACTION: Notice.

SUMMARY: The 5-Year Outer Continental Shelf (OCS) Leasing Schedule issued on July 21, 1982, provided for OCS Sale No. 52 (North Atlantic) to be held in October 1982. However, on August 12, 1982, the U.S. Court of Appeals for the Ninth Circuit in *California* v. *Watt*, No. 81-5699, ruled that the Coastal Zone Management Act (CZMA), in that specific instance, required the Department of the Interior to prepare a consistency determination prior to offering certain tracts in OCS Sale No. 53. Applying the decision broadly, the Department decided to review the consistency of Sale 52 with state CZM programs. While the Department of the Interior does not believe that in every instance its activities leading to a sale and the issuance of leases after a sale directly affect a state's coastal zone, consistency determinations have been made in light of the court's opinion and in accordance with the CZMA and its implementing regulations. After considering the relative merits of delaying the sale to March 1983, it has been concluded that delaying the sale to complete the consistency determination serves the national interest.

After analyzing whether holding the sale five months later was a significant revision under section 18 of the OCS Lands Act, we have concluded that it would not be a significant revision of the 5-Year Program. Copies of this analysis are available from the address below.

FOR FURTHER INFORMATION CONTACT: Chris Oynes, Minerals Management Service (645), 12203 Sunrise Valley Drive, Reston, Virginia 22092, (202) 343-3116.

Dated: December 6, 1982.

David C. Russell,

Deputy Director, Minerals Management Service.

James G. Watt,

Secretary of the Interior.

[FR Doc. 82-33730 Filed 12-10-82; 8:45 am]

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 3, (202) 275-5223.

Volume No. OP3-MC-FC-40

MC-FC-81000. By decision of December 3, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1181, Review Board Number 3 approved the transfer to RICHARD A. OHNEZEIT, doing business as W. F. OHNEZEIT MOVING & STORAGE, Beaver Falls, PA, of Certificate No. MC-63524, issued June 30, 1970, to MINNIE R. OHNEZEIT, doing business as W. F. OHNEZEIT MOVING & STORAGE, (THELMA GILMORE, EXECUTRIX), Beaver Falls, PA, authorizing the transportation of household goods, between points in Beaver County, PA, on the one hand, and, on the other, points in IL, IN, OH, WV, VA, MD, NY, NJ, and DC, and those in the southern peninsula of MI, and amusement devices, between Beaver Falls, PA, on the one hand, and, on the other, points in WV and OH. Representative: Richard Ohnezeit, 401 7th Ave., Beaver Falls, PA, 15010, for transferee.

For the following, please direct status inquiries to Team 2 (202) 275-7030.

Volume No. OP2-307

MC-FC-81002. By decision of November 23, 1982 issued under 49 U.S.C. 10926 and the transfer rules of 49 CFR 1181, Review Board Number 3 approved the transfer to transferee TIFFANY MOVING & STORAGE, INC., Flushing, NY, of Certificates No. MC-102143 (Sub-4 and 5), issued January 23, 1967, and May 1, 1967, and Gateway E-letter notices in No. MC-102143 (Sub-E1 and E2), issued in the **Federal Register** on September 24, 1974, and March 17, 1975, respectively, to transferor, VIKING MOVING & STORAGE CORP., Flushing, NY, authorizing the transportation of household goods, over irregular routes, between specified points in MA, RI, CT, NY, NJ, PA, DE, MD, VA, WV, NC, SC, and DC. Representative: Authur J. Piken, 95-25 Queens Blvd., Rego Park, NY, 11374 for transferee and transferor.

MC-FC-81011. By decision of December 3, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 3 approved the transfer to ARTHUR A. BRISON, d.b.a. MEYERS TRANSFER & STORAGE CO., of Magnolia, AR, of certificate No. MC-116402 (Sub-2), issued March 8, 1971, to RICHARD C. MEYERS, d.b.a. MEYERS TRANSFER &

STORAGE COMPANY, of Magnolia, AR, authorizing the transportation of used household goods, over irregular routes, between specified points in Arkansas, subject to the usual "packing and crating" restriction. Representative: M. Morrell Gathright, P.O. Box 5268, Pine Bluff, AR 71611, 501–536–8440.

MC–FC–81012. By decision of November 22, 1982 issued under 49 U.S.C. 19926 and the transfer rules at 49 C.F.R. 1181, Review Board Number 3 approved the transfer to APPLE VALLEY VAN LINES, INC., Williamson, NY, of Certificate No. MC–41583, issued November 22, 1949, to GEORGE M. CLANCY CARTING CO., INC., of Rochester, NY, authorizing the transportation of *household goods,* over irregular routes, between Rochester, NY, and points within 50 miles of Rochester, on the one hand, and, on the other, points in ME, NH, VT, MA, RI, CT, NJ, PA, DE, MD, VA, WV, KY, MO, IL, WI, IN, MI, OH and DC. Representative: Woods, Oviatt, Gilman, Sturman, & Clarke, 44 Exchange St., Rochester, NY 14614.

MC–FC–81028. By decision of December 1, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181 Subpart A, Review Board Number 3 approved the transfer to MAMES W. SHELDREW, Indianapolis, IN, of Certificate No. MC–157403, issued December 10, 1981, to WILLIAM L. NORFLEET, d.b.a. B & D ENTERPRISE, of Greensburg, IN, authorizing the transportation of *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. Representative: Robert W. Loser II, 320 N. Meridian St., Indianapolis, IN 46204.

[FR Doc. 82–33717 Filed 12–10–82; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Finance Applications; Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by 49 CFR 1182.1 of the Commission's Rules of Practice. See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349,* 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1182.2. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1182.2(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,
Secretary.

Please direct status inquiries to Team 3 (202) 275–5223.

Volume OP3–MC–F–844

Decided: December 1, 1982.

MC–F–15008, filed November 18, 1982. RYDER TRUCK LINES, LTD. (RYDER) (2600 York Centre, 145 King St. West, Toronto, Ontario, CD M5H 3K4)—purchase (portion)—BONDY TRANSFER, INC. (BONDY) (3920 West Jefferson Ave., Detroit, MI 48216). Representative: John C. Bradley, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209. Ryder seeks authority to purchase a portion of the interstate operating rights and property of Bondy. Ryder Truck Lines, Inc., which controls Ryder, and in turn, I.U. Transportation Services, Inc., (IUT), and in turn IU International Corporation (IUI) also seek authority to acquire control of said rights through the transaction. Ryder is seeking to acquire the operating rights contained in Certificate No. MC 105625 (Sub-No. 1), the transportation of *general commodities* (with exceptions), (1) between Detroit, MI, on the one hand, and, on the other, the Willow Run Airport, near Ypsilanti, MI, restricted to the transporation of traffic originating at or destined to points in Canada and having an immediately prior or subsequent movement by air, (2) between the port of entry on the U.S.-Canada Boundary line at or near Detroit, MI, on the one hand, and, on the other, the site of the Kelsey-Hayes Company plant located at the junction of North Line Road and Huron River Drive, Romulus Township, Wayne County, MI, restricted to transportation in foreign commerce only, (3) between points in the Detroit, MI Commercial Zone, on the one hand, and, on the other, the U.S.-Canada Boundary line at Detroit, MI. IUI controls I.U.T., a holding company, which in turn controls Ryder Truck Lines, Inc. (RTL) (MC–2900) and Pacific Intermountain Express Co. (PIE) (MC–730), both of which are common carriers authorized to serve all principal points in the U.S., Special Carriers, Inc., a subsidiary of IUI, controls Gemini Trucking, Inc., (MC 150939), Pioneer Trucking, Inc. (MC–151707) and

Customized Transportation, Inc. (MC–152620); Expressway Transportation System, Inc. a subsidiary of IUI, controls Independent Freightway, Inc. (MC–161864); Vanguard Contract Carrier, Inc. (MC–15796), is a subsidiary of PIE. RTL controls RTL Holdings, Inc., a property broker (license MC–130636F), and holds a voting trust certificate for shares of Ryder Forwarding, Inc. (FF–341). RTL also owns all the outstanding stock and controls Ryder Truck Line, LTD (MC–154915). Impediment: Transferor has not operated since March, 1981. Thus, it appears that the operating rights to be acquired are dormant. Applicants claim that the purchase may be approved under the principles set forth in Jones Truck Lines, Inc.-Purchase-Deaton, Inc., 127 M.C.C. 428 (1978). They have not, however, provided any information relevant to the manner in which this transaction falls within the purview of that case.

For the following, inquiries can be made to Team 2 (202) 275–7030, Room 2379.

Volume OP2–308

Decided: December 6, 1982.

MC–F–15009, filed November 22, 1982. CUSTOM TRANSPORT INC., Sigmon Rd., P.O. Box 310, Lincolnton, NC 28092, seeks authority to acquire control of WACO DRIVERS SERVICE, INC., 138 Atando Ave., Charlotte, NC 28206, through purchase of stock. Applicant's Attorney: Robert E. Born, Suite 508, 1447 Peachtree Street NE, Atlanta, GA 30309 (404) 892–8020. Custom seeks authority to acquire control of Waco through the purchase by Custom of all of the issued and outstanding capital stock of Waco. T. Bragg McLeod, the sole stockholder of Custom seeks authority to acquire control of said rights through the transaction. Custom is a common carrier under certificate No. MC–125910 and Subs thereto authorized to transport *general commodities* and *specified commodities* such as textile waste materials and used bagging between points in various states throughout the United States. Waco holds contract carrier permits and common carrier certificates in Docket MC–147402 and Subs thereto to transport specified commodities including, but not limited to, such commodities as are dealt in by retail department stores, scrap paper and waste paper, filters, food stuffs, general commodities, automotive parts, under continuing contracts with various named shippers, and on vitamins, cosmetics, and carbonated beverages as a common carrier, throughout specified points in the United States. T. Bragg McLeod is the sole stockholder of Custom and also controls as the sole stockholder Moss Trucking Co., Inc. of Charlotte, NC which holds authority under MC–108341 and various Subs as a motor common carrier of various specified commodities and general commodities, between points in various specified states. Common control of Custom and Moss by T. Bragg McLeod is approved by the Commission in Docket MC–F 10408.

Note.—Application for Temporary Authority has been filed.

[FR Doc. 82–33718 Filed 12–10–82; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–18 (Sub–44)]

Chesapeake & Ohio Railway Co.; Abandonment in Ionia County, MI; Findings

The Commission has found that the public convenience and necessity permit Chesapeake and Ohio Railway Company to abandon its 14.16 mile line of railroad between Portland (milepost 11.54) and Ionia (milepost 25.70) in Ionia County, MI, subject certain conditions. A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that: (1) A financially responsible person has offered financial assistance to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Mr. Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be resubmitted within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27 (formerly 49 CFR 1121.38).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–33719 Filed 12–10–82; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–31 (Sub–6)]

Grand Trunk Western Railroad Co.; Abandonment; in Montcalm County, MI; Findings

The Commission has found that the public convenience and necessity permit Grand Trunk Western Railway Company to abandon its 21.1 mile line of railroad between Carson City (milepost 39.8) and Greenville (milepost 60.9) in Montcalm County, MI, subject to certain conditions. A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that: (1) A financially responsible person has offered financial assistance to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Mr. Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be resubmitted within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27 (formerly 49 CFR 1121.38).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–33720 Filed 12–10–82; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 20510]

Southern Pacific Co., Abandonment, Keeler Branch, Etc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Petition.

SUMMARY: Petitioner has requested reopening of this proceeding for the purpose of removing the requirement for providing substituted truck service between Lone Pine and Laws and Lone Pine and Keeler, CA, imposed as a condition of the abandonment authorized in this proceeding.

DATES: Comments must be received within 30 days of this publication.

ADDRESS: Send comments to:

(1) Rail Section Room 5349, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representatives: Gary A. Laakso, Southern Pacific Building, One Market Plaza, San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

By the Commission, Heber P. Hardy, Director, Office of Proceeding.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–33716 Filed 12–10–82; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 387]

Exemptions for Contract Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Notices of provisional exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATE: Protests are due within 15 days of publication in the Federal Register.

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Douglas Galloway, (202) 275–7278

or

Tom Smerdon, (202) 275–7277

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions: These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) not that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub-No.	Name of railroad, Contract No., and specifics	Review board [1]	Decided date
445	Southern Pacific Transportation Co. Exemption for Contract Tariff ICC-CP-C-0265 (Ferromanganese) via Port Richmond, California	2	12-07-82
446	Union Pacific RR Co. Exemption for Contract Tariff ICC-UP-C-0017, Supp. 6 (Superphosphates)	3	12-07-82
447	Missouri-Kansas-Texas RR Co. Exemption for Contract Tariff ICC-MKT-C-0047, Supp. 8 (Wheat Flour) via the Ports of Galveston and/or Houston, Texas	1	12-07-82
448	Missouri Pacific RR Co. Exemption for Contract Tariff ICC-MP-C-0204 (Soda Ash)	2	12-07-82
449	Southern Pacific Transportation Co. Exemption for Contract Tariff ICC-SP-C-0269 (Phosphate Rock)	3	12-07-82
450	Southern Pacific Transportation Co. Exemption for Contract Tariff ICC-SP-C-0266 (Rice)	2	12-07-82
451	Atchison, Topeka and Santa Fe Railway Co. Exemption for Contract Tariffs ICC-ATSF-C-0014, 0120, 0122, 0124, 0125, and 0129 (Wheat, Corn, Soybeans or Sorghum Grains)	1	12-07-82
452	Pittsburgh and Lake Erie RR Co. Exemption for Contract Tariff ICC-PLE-C-22 (Bituminous Coal)	2	12-07-82

[1] Review Board No. 1, Members Parker, Chandler, and Fortier; Review Board No. 2, Members Carleton, Williams, and Ewing; and Review Board No. 3, Members Krock, Joyce, and Dowell.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-33633 Filed 12-10-82; 8:45 am]

BILLING CODE 7035-01-M

OFFICE OF MANAGEMENT AND BUDGET

Cost of Hospital and Medical Care and Treatment Furnished by the United States; Certain Rates Regarding Recovery From Tortiously Liable Third Persons

By virtue of the authority vested in the President by Section 2(a) of the Act of September 25, 1962 (76 Stat. 593; 42 U.S.C. 2652), and delegated to the Director of the Office of Management and Budget by Executive Order No. 11541 of July 1, 1970, (35 FR 10737), the following three sets of rates are established for use in connection with the recovery, as authorized by such Act, from tortiously liable third persons of the cost of hospital and medical care and treatment furnished by the United States (Part 43 of Chapter I of Title 28 of the Code of Federal Regulations) through three separate Federal agencies. These rates have been established in accordance with the requirements of OMB Circular A–25, requiring reimbursement for full cost of all services provided. This has been determined as follows:

(a) For the Department of Defense—in order to establish a full cost user charge for an inpatient day or an outpatient visit in a particular fiscal year, Defense refers to the budget proposals submitted for that fiscal year by each of the military departments. Each proposed budget is broken down into various "appropriation accounts." For example, one appropriation account is "Operation and Maintenance." The proposed budget for each military department will contain a total dollar amount in its Operation and Maintenance Appropriation Account for the operation and maintenance of all of its facilities (medical and non-medical worldwide). Generally speaking, the items in an Operation and Maintenance Appropriation Account are: the cost of civilian personnel (salaries and costs of benefits), the cost of maintaining buildings and grounds, the cost of non-capital materials, and other support costs (including such items as utilities). Included in the Operation and Maintenance Appropriation Account in each of the military department's proposed budgets will be the amount deemed necessary to operate and maintain the department's medical facilities. In addition to Operation and Maintenance, other appropriation accounts also contain monies attributable to providing medical services at the military department's medical facilities. These are: Military Personnel, Procurement, Research and Development, and Construction.

After a military department's proposed budget has been reviewed by OSD and the Office of Management and Budget and is submitted by the President to the Congress, the Surgeon General of that department submits to the Assistant Secretary of Defense (Health Affairs) (ASD(HA)) a report showing, by appropriation account, the portion of the department's total budget attributable to providing medical services at the department's medical facilities worldwide. The budget amount attributable to providing medical services is broken down into amounts attributable to inpatient and outpatient care. In addition, an estimate of the number of inpatient days and outpatient visits expected to be delivered at the department's medical facilities during the ensuing fiscal year is provided in the report. The ASD(HA) staff reviews the reports of the Surgeons' General for consistence with the approved program and forwards them to the Assistant Secretary of Defense (Comptroller), ASD(C). The ASD(C) staff consolidates the Surgeons' General submissions and adds to the consolidated statement of costs those items required to be included by OMB Circular A–25. The costs added are: (a) retirement for military personnel—26.5% of the pay of the military personnel; (b) retirement for civilian personnel—13.4% of the pay of the civilian personnel; (c) an asset charge of 4% of the other costs in lieu of a specific depreciation cost on fixed assets; and (d) a 3% surcharge for the cost to DOD of administering the Medical care program.

After determining the total cost of providing medical services at the three military departments' medical facilities worldwide, the daily inpatient user charge is established by dividing the total fiscal year cost attributable to inpatient care by the estimated number of inpatient days for the fiscal year. The per visit outpatient user charge is established by dividing the total fiscal year cost attributable to outpatient care by the estimated number of outpatient visits for the fiscal year.

(b) For the Veterans Administration—the actual costs and per diem rates by type of care for the previous year are added to the estimated costs for depreciation of buildings and equipment, administrative overhead, interest on capital investment, and Government employee retirement and disability charges. These computed rates are then adjusted by the budgeted percentage increase to arrive at the estimated rates for the fiscal year under review;

(c) For the Department of Health and Human Services—the sum of obligations for providing medical services is broken down into amounts attributable to inpatient and outpatient care on the basis of the proportion of staff devoted to each. Total inpatient costs and outpatient costs thus determined are divided by the relevant workload statistic (inpatient day, outpatient visits) to produce the inpatient and outpatient rates. The data are based on obligations and statistical reports for FY 1982 projected into FY 1983.

These rates represent the reasonable cost of hospital, nursing home, medical, surgical or dental care and treatment (including prostheses and medical appliances) furnished or to be furnished:

(a) For such care and treatment furnished by the United States in Federal hospitals, nursing homes, and outpatient clinics, administered by any of the three Federal agencies—Department of Defense, Veterans Administration or Department of Health and Human Services.

(b) For such care and treatment furnished at Government expense in a facility not operated by the United States, the rates shall be the amounts expended by the United States for such care and treatment.

	Effective Dec. 15, 1982, and thereafter		
	DOD	VA	HHS
Hospital care per inpatient day:			
General medical, surgical, and tuberculosis care	$430	$315	$282
Psychiatric care		195	186
Nursing home care		119	
Burn Center, U.S. Army Institute of Surgical Research, Brooke Army Medical Center, Fort Sam Houston, Texas	1,393		
Outpatient medical and dental treatment:			
Per outpatient visit	40	65	55

For the period beginning December 15, 1982, the rates prescribed herein supersede those established by the Director of the Office of Management and Budget on January 4, 1982 (46 FR 63157).

Dated December 8, 1982.

David A. Stockman,

Director, Office of Management and Budget.

[FR Doc. 82-33686 Filed 12-10-82; 8:45 am]

BILLING CODE 3110-01-M

POSTAL RATE COMMISSION

[Order No. 469; Docket No. A83-7]

Beowawe, Nevada 89821 (Peter von Wesendonk, Petitioner); Notice and Order of Filing of Appeal

December 7, 1982.

On November 30, 1982, the Commission received a letter from Mr. Peter von Wesendonk indicating his opposition to the alleged plans of the United States Postal Service to consolidate the Beowawe, Nevada post office. Although the letter makes no reference to the Postal Reorganization Act and does not technically conform to the requirements of our rules of practice and procedure, we believe it should be construed as a petition for review pursuant to section 404(b) of the Act [39 U.S.C. 404(b)]. The petition sets forth the Postal Service action complained of in sufficient detail to warrant further inquiry to determine whether the Postal Service has complied with the applicable law and regulations relating to closings and consolidations.

Specifically, the petition asserts that the establishment of a contract post office would have an adverse impact upon the community's employment rate and general welfare and also that it would not provide the same level of service now received. Additionally, petitioner states that it is his understanding that the proposed consolidation resulted from there not being an available career employee to take over the Beowawe post office. However, he indicates that he is aware of a career employee willing and able to run the Beowawe office and proffers this as a workable compromise.

In the interest of expediting this proceeding under the 120-day decisional deadline imposed by section 404(b)(5), the Postal Service is advised that the Commission reserves the right to request a legal memorandum from the Service on any issues of law disclosed by our review in this proceeding. In the event that the Commission finds such memorandum necessary, it will make its request by order, specifying the issues to be addressed. Following issuance of such a request, the memorandum shall be due within 20 days and a copy of the memorandum shall be served upon the petitioner and all intervenors.

The Act does not contemplate appointment of an Officer of the Commission in section 404(b) cases[1] and none is being appointed in this proceeding.

The Commission's rules of practice require that the Postal Service file the Administrative Record of the case within 15 days after the date upon which petition for review has been filed with the Commission.[2]

A procedural schedule of the various phases of this docket is set forth as an appendix. The Commission orders:

(A) The letter received from Mr. Peter von Wesendonk constitutes a petition for review pursuant to section 104(b) of the Act [39 U.S.C. 404(b)].

(B) The Secretary of the Commission shall publish this Notice and Order in the **Federal Register.**

By the Commission.

David F. Harris,

Secretary.

November 30, 1982—Filing of Petition
December 7, 1982—Notice and Order of Filing of Appeal
December 20, 1982—Last day for filing of petitions to intervene [*see* 39 CFR 3001.111(b)].
December 30, 1982—Petitioner's Initial Brief [*see* 39 CFR 3001.115(a)].
January 14, 1983—Postal Service Answering Brief [*see* 39 CFR 3001.115(b)].
January 31, 1983—(1) Petitioner's Reply Brief should petitioner choose to file [*see* 39 CFR 3001.115(c)]; (2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interest of prompt and just decision may require, in scheduling or dispensing with oral argument.
March 30, 1983—Expiration of 120-day decisional deadline [*see* 39 U.S.C. section 404(b)(5)].

[FR Doc. 82-33702 Filed 12-10-82; 8:45 am]

BILLING CODE 7715-01-M

[1] In the Matter of Gresham, S.C., Route #1, Docket No. A78-1 (May 11, 1978).

[2] 39 CFR 3001.113(a).

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

During the period November 26 through December 3, 1982, the Department of Treasury submitted the following public information collection requirements to OMB, for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 634–2179. Comments regarding these information collections should be addressed to the Treasury Reports Management Officer, Information Resources Management Division, Room 309, 1625 I St. NW., Washington, D.C. 20220; *and* to the OMB reviewer listed at the end of entry.

Date Submitted: November 30, 1982.
Submitting Bureau: Internal Revenue Service.
OMB Number: N/A (new submission).
Form Number: 6198.
Type of Submission: New.
Title: Computation of Deductible Loss for an Activity Described in Section 465(c).
Purpose: IRC 465 requires taxpayers to limit their loss from an at risk activity to the lesser of the amount the taxpayer has at risk in the activity or the amount of the loss. Form 6198 is used by taxpayers to determine the amount of the loss that can be deducted.
OMB Reviewer: Michael Abrahams (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date Submitted: December 1, 1982.
Submitting Bureau: Internal Revenue Service.
OMB Number: N/A.
Form Number: 941–M.
Type of Submission: Extension.
Title: Employer's Monthly Federal Tax Return.
Purpose: Form 941–M is used by certain filers to report withheld income tax, social security taxes, and advance earned income credit payments made during the month. Filers who have failed to file Form 941 or deposit taxes as required are notified by the District Director that they must file Form 941–M monthly.
OMB Reviewer: Michael Abrahams (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date Submitted: December 1, 1982.
Submitting Bureau: Internal Revenue Service.
OMB Number: 1545–0397.
Form Number: 4743.
Type of Submission: Extension.
Title: Questionnaire—Taxes.
Purpose: Form 4743 provides the taxpayers with a simple format for presenting information to support their tax deduction for items such as real estate taxes, state and local income taxes, sales taxes, etc. The information is used during an examination to determine whether the claimed deduction should be allowed.
OMB Reviewer: Michael Abrahams, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.
Date Submitted: December 1, 1982.
Submitting Bureau: Internal Revenue Service.
OMB Number: N/A (new submission).
Form Number: 500–6–39.
Type of Submission: New.
Title: Taxpayer Education Film Transmittal Notice.
Purpose: Form is necessary to inform film users of the date film is to be returned to IRS, to ask for feedback on number of viewers of film, condition of film, and to provide information/license for reproducing the film.
OMB Reviewer: Michael Abrahams, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date Submitted: December 1, 1982.
Submitting Bureau: Internal Revenue Service.
OMB Number: 1545–0534.
Form Number: 5303.
Type of Submission: Revision.
Title: Application for Determination for Collectively Bargained Plan
Purpose: IRS needs certain information on the finances, and operation of employee benefit plans set up by employees. The IRS uses Form 5303 to get needed information to determine whether the plans qualify under Section 401(a) of the Code and the applicable parts of ERISA as approved employee benefit plans. It also uses the information to determine the tax exempt status of the related trust under Section 501(a) of the Code.
OMB Reviewer: Michael Abrahams, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Joy Tucker,
Departmental Reports, Management Officer.
December 7, 1982.

[FR Doc. 82–33749 Filed 12–10–82; 8:45 am]
BILLING CODE 4810–25–M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 239
Monday, December 13, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL ENERGY REGULATORY COMMISSION

Notice of Meeting

December 8, 1982.

TIME AND DATE: 10 a.m., December 15, 1982.

PLACE: Room 9306, 825 North Capitol Street, NE., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Consent Power Agenda—761st Meeting—December 15, 1982, Regular Meeting (10 a.m.)

CAP-1. Project No. 3257-000, Sunnyside Valley Irrigation District
CAP-2. Project No. 6321-001, County of Tuolumne, California
CAP-3. Project No. 6311-001, Western Power, Inc.
CAP-4. Omitted
CAP-5. Project No. 3256-002, City of McFarland, California;, Project No. 3704-000, City of Redding, California
CAP-6. Project No. 5867-000, Long Lake Energy Corp.
CAP-7. Project No. 2306-001, Citizens Utilities Co.
CAP-8. Project No. 6190-001, Mountain Gems Corp.
CAP-9. Project No. 5249-000 and Docket No. E-9601-000, Lake Oswego Corp.
CAP-10. Docket No. ER82-701-000, Florida Power Corp.
CAP-11. Docket Nos. ER83-77-000, and ER82-708-000, West Texas Utilities Co.
CAP-12. Docket No. ER82-763-000, Safe Harbor Water Power Co.
CAP-13. Docket No. ER83-63-000, Appalachian Power Co.
CAP-14. Docket No. ER82-751-000, Delmarva Power & Light Co.
CAP-15. Docket No. ER82-769-000, Minnesota Power & Light Co.
CAP-16. Docket Nos. ER80-313-003 and 004, Public Service Co. of New Mexico
CAP-17. Docket No. ER80-508-000, Boston Edison Co.
CAP-18. Docket No. ER81-177-000, Southern California Edison Co.
CAP-19. Docket No. ER82-146-005, Commonwealth Edison Co.
CAP-20. Docket No. ER82-593-000, Pennsylvania Electric Co.; Docket No. ER82-426-000, Jersey Central Power & Light Co.; Docket No. ER82-128-000, Mississippi Power & Light Co.; Docket Nos. ER82-702-000 and ER82-703-000, New England Power Co.; Docket Nos. ER81-749-000 and ER82-325-000, Montaup Electric Co.
CAP-21. Docket Nos. EL82-27-000, ER82-146-000 and EL82-16-000, Illinois Cities of Naperville, Geneva, Batavia, St Charles, Rock Falls, and Rochelle *v.* Commonwealth Edison Co.
CAP-22. Docket No. EL83-1-000, Sacramento Municipal Utility District *v.* Pacific Gas & Electirc Co.
CAP-23. Docket No. ER78-383-000, Indiana & Michigan Electric Co.
CAP-24. Docket No. ER80-202-000, Public Service Co. of Indiana
CAP-25. Docket No. ER82-454-000, Black Hills Power & Light Co.
CAP-26. Project No. 6312-000, Mr. Lester Kelley, Vernon Ravenscroft and Helen Chenoweth

Consent Miscellaneous Agenda

CAM-1. Docket No. RM82-15-000, Amoco Production Co.
CAM-2. Docket Nos. GP80-39-000 and 002, Kentucky West Virginia Gas Co.
CAM-3. Docket No. RM79-76-119 (New Mexico—2 addition), high-cost gas produced from tight formations
CAM-4. Docket No. RM79-76-138 (New Mexico—17), high-cost gas produced from tight formations
CAM-5. Docket Nos. SA81-16-000 and SA82-16-000, Southern Union Gathering Co.
CAM-6. Docket No. RA81-72-000, Beacon Oil Co.
CAM-7. Docket No. RA82-7-000, Warrior Asphalt Refining Co. of Alabama, Inc.
CAM-8. Docket No. RO81-65-000, RPL Oil Co. Inc.

Consent Gas Agenda

CAG-1. Docket No. TA83-1-43-002, Cities Service Gas Co.
CAG-2. Docket No. RP83-21-000, Northern Border Pipeline Co.
CAG-3. Docket No. TA83-1-59-000 (PGA83-1), Northern Natural Gas Co.
CAG-4. Docket No. RP82-74-000, Texas Gas Transmission Co.
CAG-5. Docket No. TA83-1-44-000 (PGA83-2), Commercial Pipeline Co., Inc.
CAG-6. Docket No. TA83-1-32-000 (PGA83-1, IPR83-1), Colorado Interstate Gas. Co.
CAG-7. Docket No.TA82-1-24-002 (PGA82-1a), Equitable Gas Co.
CAG-8. Docket No.TA83-1-47-000 (PGA83-1), MIGC, Inc.
CAG-9. Docket Nos. RP81-25-000, RP81-69-000 and RP82-46-000, South Georgia Natural Gas Co.
CAG-10. Omitted
CAG-11. Omitted
CAG-12. Docket Nos. CI75-201-002, 004 and 005, Atlantic Richfield Co.; Docket No. CI75-529-002, The Altex Corp.; Docket No. CI75-530-002, Jewel Osborn, NOW Storey; Docket Nos. CI75-531-002, W. B. Osborn, Jr., Executor of the estate of W. B. Osborn, deceased; Docket No. CI75-532-002, Charlotte Osborn Barrett; Docket No. CI75-533-002, Betty Osborn Biedenharn; Docket No. CI75-534-002, W. B. Osborn, Jr; Docket No. CI75-557-002, Stentex, Inc., Yegua-Stillwell Corp., H. J. Mosser, Central Producers, Inc. W. H. Doran, Jr., and Corpus Christi Management Co.
CAG-13. Docket Nos. CI67-1603-001 and 002, General American Oil Co. of Texas, et al.; Docket No. CI80-298-002, Exxon Corp.; Docket No. CI68-11001, The Superior Oil Co.; Docket No. CI80-118-002, Mobil Oil Exploration & Producing Southeast Inc.; Docket Nos. G-6202-001 and CI83-69-000 (FERC G.R.S. No. 277), Gulf Oil Corp.; Docket No. CI77-584-004, Marathon Oil Co.
CAG-14. Docket No. ST82-395-000, Riverway Gas Pipeline Co.
CAG-15. Docket No. TC82-57-001, Panhandle Eastern Pipe Line Corp.
CAG-16. Docket No. TC82-40-000, Macmillan Bloedel, Inc.
CAG-17. Docket No. CP82-436-001, Transcontinental Gas Pipe Line Corp.
CAG-18. Docket No. CP81-433-004, Columbia Gas Transmission Corp.
CAG-19. Docket No. CP82-431-000, Equitable Gas Co.
CAG-20. Docket No. CP82-359-000, Montana-Dakota Utilities Co.
CAG-21. Docket No. CP82-504-000, Texas Eastern Transmission Corp.
CAG-22. Docket No. CP82-506-000, Panhandle Eastern Pipe Line Co.
CAG-23. Docket No. CP73-224-003, Kansas-Nebraska Natural Gas Co., Inc.
CAG-24. Docket No. IS82-173-000 and OR78-1-000, et al., Amerada Hess Pipeline
CAG-25. Docket Nos. IS80-14-000 and IS81-115-000, et al., American Petrofina Pipe Line Co., et al.
CAG-26. Docket Nos. CP74-122-013 and 014, Energy Terminal Services Corp.; Docket No. CP73-148-002, Energy Pipeline Corp.;

Docket No. CP80–453–000, Texas Eastern Transmission Corp.

I. Licensed Project Matters

P–1. Project No. 3283–000, Gas and Electric Department of the City of Holyoke, Massachusetts
P–2. Omitted
P–3. Project No. 176–011, Escondido Mutual Water Co.

II. Electric Rate Matters

ER–1. Docket No. ER80–573–000, Southwestern Public Service Co.
ER–2. Docket No. ER82–576–000, Energy Conversions of America, Inc.
ER–3. Docket No. ER81–736–000, Central Illinois Public Service Co.
ER–4. (a) Docket No. ID–1997–000, Frederick W. Mielke, Jr.; (b) Docket No. ID–1998–000, Alfred E. Eames, Jr.
ER–5. Docket No. EL82–19–000, St. Joe Minerals Corp.

Miscellaneous Agenda

M–1. Docket No. RM83–7–000, exemptions for utility-owned geothermal small power production facilities
M–2. Docket Nos. RM82–2–000, 001, 002 and 003, amendments to regulations governing case-by-case exemption from all or part of Part I of the Federal Power Act for Small Hydroelectric Power Projects with an installed capacity of five megawatts or less
M–3. Docket No. RM83–9–000, exemption from, and revisions to, procedures governing collection and reporting of information concerning cost of providing retail electric service
M–4. Reserved
M–5. Reserved
M–6. Omitted
M–7. Omitted
M–8. Omitted
M–9. Docket No. RM82–36–000, elimination of reporting requirements for sale of natural gas under sections 105, 106(b), and 109 of the NGPA of 1978
M–10. Docket Nos. RM80–50–000, 003, 004, and 005 production enhancement procedures
M–11. Docket No. RM82–34–000, high-cost gas produced from tight formations; recompletion tight formations gas
M–12. Docket No. RM79–76–089 (Louisiana—3 addition), high-cost gas produced from tight formations
M–13. Docket No. RM77–22–003, rate of interest on amounts held subject to refund—oil pipelines

Gas Agenda

I. Pipeline Rate Matters

RP–1. Docket No. CP78–124–000, Northern Border Pipeline Co.;
RP–2. Docket No. IS80–9–000, et al., Mid-America Pipeline Co.;
RP–3. Docket No. IS80–15–000, et al., Buckeye Pipe Line Co.

II. Producer Matters

CI–1. Docket No. CI75–45–000, Tenneco Oil Co.; Docket No. CI75–59–000, Placid Oil Co.; Docket No. CI75–66–000, Hunt Petroleum Corp.; Docket No. CI75–67–000, Hunt Industries; Docket No. CI75–68–000, Hunt Oil Co.; Docket No. CI75–69–000, Kewanee Oil Co.; Docket No. CI75–105–000, Tenneco Oil Co.; Docket Nos. CI75–684–000, and CI75–107, Shell Oil Co.; Docket No. CI75–122–000, Ashland Oil Co.; Docket No. CI75–138–000, Transocean Oil, Inc.; Docket No. CP73–339–000, Tennessee Gas Pipeline Co., a Division of Tenneco, Inc.; Docket Nos. CP75–330–000 and CP75–19–000, Trunkline Gas Co.; Docket No. CP75–23–000, CP75–119–000, CP75–120–000, CP78–121–000, CP78–229–000 and CP77–559–000, Tennessee Gas Pipeline Co.; Docket No. CP75–149–000, Trunkline Gas Co.; Docket Nos. CP75–316–000 and CP75–151–000, Southern Natural Gas Co.; Docket No. CP78–135–000, Texas Eastern Transmission Corp., Southern Natural Gas Co., and United Gas Pipeline Co.; Docket No. CP75–153–000, Florida Gas Transmission Corp.; Docket No. CP78–149–000, United Gas Pipline Co.; Docket No. CP75–163–000, Southern Natural Gas Co.; Docket No. CP75–258–000, Tennessee Gas Pipeline Co., a Division of Tenneco, Inc., and Tenneco Chemicals, Inc.; Docket No. CP75–268–000, Ammonia Enterprises Pipeline, Inc.; Docket No. CP75–733–000, Highland Resources; Docket No. CP78–164–000, Natural Gas Pipeline Co. of America and Trunkline Gas Co.; Docket No. CP79–387–000, First Mississippi Corp.

III. Pipeline Certificates Matters

CP–1. Docket Nos. CP74–138–003 and CP74–139–001, Trunkline LNG Co.; Docket No. CPI74–140–001, Trunkline Gas Co.; Docket No. CP82–517–000, Association of Businesses Advocating Tariff Equity *v.* Trunkline LNG Co. and Trunkline Gas Co.; Docket No. CP82–519–000, State of Michigan and Michigan Public Service Commission; Docket No. CP82–533–000, Consumers Power Co. *v.* Trunkline LNG Co. and Trunkline Gas Co.; Docket No. CP82–541–000, Laclede Gas Co. *v.* Trunkline LNG Co. and Trunkline Gas Co.; Docket No. RP81–85–000, Trunkline LNG Co.; Docket No. RP82–127–000, Michigan Consolidated Gas Co. *v.* Trunkline LNG Co., Trunkline Gas Co., Panhandle Eastern Pipe Line Co. and Sonatrach; Docket No. TA83–1–28–000 (PGA83–1), Panhandle Eastern Pipe Line Co.; Docket No. TA83–1–30–000 (PGA83–1), Trunkline Gas Co.
CP–2. Docket Nos. CP81–522–000 and 002, Northern States Power Co. (Minnesota)
CP–3. Docket No. CP66–110–028, et al. (Docket No. CP66–112–022), Midwestern Gas Transmission Co. and Great Lakes Gas Transmission Co.; Docket No. CP66–112–006, (Docket No. CP66–110–028, et al.), Great Lakes Gas Transmission Co.; Docket No. CP79–161–005, Midwestern Gas Transmission Co.; Docket No. CP79–169–008, Michigan Wisconsin Pipe Line Co.
CP–4. Docket Nos. CP82–251–000 and 001, Flormex Energy Corp.
CP–5. (a) Docket No. CP82–485–000, Columbia Gas Transmission Corp.; (b) Docket No. CP82–452–000, Michigan Wisconsin Pipeline Co.; (c) Docket Nos. CP83–14–000 and 001, CP83–16–000 and 001, and CP82–33–002 and 005, Northern Natural Gas Co.
CP–6. Docket No. CP80–435–000, Alaskan Northwest Natural Gas Transportation Co.; Docket No. CP78–123–000, et al., Northwest Alaskan Pipeline Co.
CP–7. Docket No. CP82–194–000, Pacific Interstate Offshore Co.
CP–8. Docket No. CP80–22–004, Northern Natural Gas Company, Division of Internorth, Inc.; Docket No. CP78–124–007, Northern Border Pipeline Co.; Docket Nos. CP80–43–002 and CP66–110, Great Lakes Gas Transmission Co.

Kenneth F. Plumb,

Secretary.

[S–1805–82 Filed 12–9–82; 3:47 pm]

BILLING CODE 6717–01–M

2

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

December 8, 1982.

TIME AND DATE: 10 a.m., Wednesday, December 15, 1982.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: Closed (Pursuant to 5 U.S.C. 552(c)(10)).

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Council of the Southern Mountains, Inc. v. Martin County Coal Corp., Docket No. KENT 80–222–D. (Issues include whether there is a right for miner's representatives to monitor training classes under the 1977 Mine Act.)

It was determined by a majority vote of Commissioners that this meeting be closed.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 532–5632.

[S–1806–82 Filed 12–9–82; 3:55 pm]

BILLING CODE 6735–01–M

3

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: Approximately 12:30 p.m., Friday, December 17, following a recess at the conclusion of the open meeting.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried foreward from a previously announced meeting.

CONTRACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: December 9, 1982.

William W. Wiles,

Secretary of the Board.

[S-1802-82 Filed 12-9-82; 12:37 pm]

BILLING CODE 6210-01-M

4

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: 10 a.m., Friday, December 17, 1982.

PLACE: Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposals with respect to check processing and collection procedures, including noon presentment.
2. Proposals with respect to cash transportation.
3. Proposals regarding the 1983 Private Sector Adjustment Factor (PSAF).
4. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: December 9, 1982.

William W. Wiles,

Secretary of the Board.

[S-1803-82 Filed 12-9-82; 12:53 pm]

BILLING CODE 6210-01-M

5

FEDERAL RESERVE SYSTEM

Committee on Employee Benefits

TIME AND DATE: 2:15 p.m., Friday, December 10, 1982. The business of the Committee requires that this meeting be held with less than one week's advance notice to the public, and no earlier announcement of the meeting was practicable.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. The Committee's agenda will consist of matters relating to (a) the general administrative policies and procedures of the Retirement Plan, Thrift Plan, Long-Term Disability Income Plan, and Insurance Plan for Employees of the Federal Reserve System; (b) general supervision of the operations of the Plans; (c) the maintenance of proper accounts and accounting procedures in respect to the Plans; (d) the preparation and submission of an annual report on the operations of each of such Plans; (e) the maintenance and staffing of the Office of the Federal Reserve Employee Benefits System; and (f) the arrangement for such legal actuarial, accounting, administrative, and other services as the Committee deems necessary to carry out the provisions of the Plans.

Specific items will include proposed changes to the Retirement Plan for Employees of the Federal Reserve System.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: December 9, 1982.

William W. Wiles,

Secretary of the Board.

[S-1804-82 Filed 12-9-82; 12:59 pm]

BILLING CODE 6210-01-M

6

POSTAL SERVICE

(Board of Governors)

Vote to Close Meeting

At its meeting on December 7, 1982, the Board of Governors of the United States Postal Service unanimously voted to close to public observation a portion of its meeting scheduled for January 6, 1983. The portion of the meeting to be closed will consist of a discussion of Postal Service strategic planning.

The Board is of the opinion that public access to this discussion would be likely to disclose information in connection with future collective bargaining and information that will become involved in future rate litigation.

Accordingly, the Board of Governors has determined that, pursuant to section 552b(c)(3) of title 5, United States Code, and section 7.3(c) of title 39, Code of Federal Regulations, this portion of the meeting is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. 552b(b)), because it is likely to disclose information in connection with proceedings under chapter 36 of title 39 (having to do with postal ratemaking, mail classification, and changes in postal services), which is specifically exempted from disclosure by section 410(c)(4) of title 39, United States Code. The Board determined further that, pursuant to section 552b(c)(10) of title 5 and section 7.3(j) of title 39, Code of Federal Regulations, the discussion is exempt because it is likely to specifically concern the participation of the Postal Service in a civil action or proceedings or the litigation of a particular case involving a determination on the record after opportunity for a hearing.

It also determined, pursuant to section 552b(c)(B) and section 7.3(i) of title 39 Code of Federal Regulations, that the discussion is exempt because premature disclosure of information to be discussed would be likely significantly to frustrate implementation of future action in regard to future collective bargaining. The Board further determined that the public interest does not require that the Board's discussion of this matter to be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and § 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the portion of the meeting to be closed may properly be closed to public observation, pursuant to sections 552b(c) (3), (9)(B) and (10) of title 5 and sections 410(c) (3) and (4) of title 39, United States Code, and § 7.3 (c), (i) and (j) of title 39, Code of Federal Regulations.

Louis A. Cox,

Secretary.

[S-1800-82 Filed 12-9-82; 11:00 am]

BILLING CODE 7710-12-M

7

POSTAL SERVICE

(Board of Governors)

Vote to Close Meeting

At its meeting of December 6, 1982, the Board of Governors of the United States Postal Service unanimously voted to close to public observation a portion of its meeting scheduled for December 20, 1982. The portion of the meeting will involve a continuation of the discussion of the most recent general ratemaking proceeding (Docket No. R80-1) in the light of the July 9, 1982, Decision of the U.S. Court of Appeals for the Second Circuit in *Time, Inc. et al* v. *United States Postal Service*, the discussion having been commenced at the meeting of the Board on August 2, 1982, and continued at the meetings of September 9, October 4, November 8,and December 6, 1982, those meetings also having been closed to public observation pursuant to the unanimous vote of the Board.

The Board has determined that pursuant to section 552b(c)(3) of title 5, United States Code, and § 7.3(c) of title 39, Code of Federal Regulations, the portion of the meeting to be closed is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. 552b(b)), in that it is likely to disclose information prepared for use in connention with proceedings under chapter 36 of title 39 (having to do with postal ratemaking,

mail classification, and postal services), which is specifically exempted from disclosure by section 410(c)(4) of title 39. The Board determined further that, pursuant to section 552b(c)(10) of title 5, United States Code, and § 7.3(j) of title 39, Code of Federal Regulations, the discussion is exempt because it is likely to specifically concern the participation of the Postal Service in a civil action or proceeding, and the initiation of a particular case involving a determination on the record after opportunity for a hearing. The Board of Governors has determined that the public interest does not require that the Board's discussion of this matter be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and § 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the portion of the meeting to be closed may properly be closed to public observation, pursuant to section 522b(c) (3) and (10) of title 5 and section 410(c)(4) of title 39, United States Code, and 7.3 (c) and (j) of title 39, Code of Federal Regulations.

Louis A. Cox,

Secretary

[S-1801-82 Filed 12-9-82; 11:00 am]

BILLING CODE 7710-12-M

federal register

Monday
December 13, 1982

Part II

Federal Emergency Management Agency

National Flood Insurance Program; Minimum Flood Plain Management Criteria for Community Participation

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 59 and 60

National Flood Insurance Program; Minimum Flood Plain Management Criteria for Community Participation

AGENCY: Federal Emergency Management Agency.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Federal Emergency Management Agency (FEMA) proposes to revise the minimum flood plain management standards for community participation in the National Flood Insurance Program (NFIP). To be eligible for the sale of flood insurance, communities are required to adopt local flood plain management measures which meet these minimum standards. FEMA requests comments from interested persons on how to improve the efficiency of the NFIP while maintaining the effectiveness of these minimum standards in reducing flood losses. Comments are sought especially on the treatment of mobile homes, clarification of terms used in the NFIP regulations, how alluvial fan flooding should be addressed, and on ways in which to increase State involvement in flood plain management efforts.

DATE: Individuals, organizations, States and communities with comments should submit them to the address below on or before March 14, 1983.

ADDRESS: Please send comments to: Rules Docket Clerk, Office of General Counsel, Room 801, Federal Emergency Management Agency, Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Chief, Natural Hazards Division, Office of Natural and Technological Hazards, State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0270.

SUPPLEMENTARY INFORMATION:

Purpose of This Notice

Today over 17,000 communities and counties participate in the National Flood Insurance Program (NFIP). Each of these communities has adopted local flood plain management measures which meet the minimum criteria set forth in Part 60 of the NFIP regulations (44 CFR Part 60). These communities have adopted these local measures in order to qualify for the sale of flood insurance. Once a community is eligible for the sale of flood insurance, local insurance agents can sell flood insurance to residents in the community to provide financial protection against potential flood losses.

The minimum flood plain management criteria for the NFIP were revised comprehensively in 1976 after lengthy review and public hearings. Since 1976, FEMA, the States and local governments participating in the NFIP have gained substantial experience in administering and enforcing flood plain management programs. The purpose of this Advance Notice of Proposed Rulemaking (ANPR) is to solicit comments from those organizations and individuals based on their substantial knowledge about the NFIP and experience in administering and enforcing flood plain management programs incorporating the minimum standards of the NFIP.

The NFIP is administered by the Office of State and Local Programs and Support (SLPS) and the Federal Insurance Administration (FIA), both components of FEMA. FIA administers the insurance aspects of the NFIP. SLPS is responsible for conducting and providing identification and study of flood-prone areas, developing and maintaining flood plain management standards for community eligibility in the NFIP, assuring adequate compliance and enforcement by communities with NFIP minimum standards, and providing assistance to States and communities in implementing and administering flood hazard mitigation programs.

This ANPR is concerned with SLPS's responsibility to assure that adequate flood plain management standards are maintained for community eligibility in the NFIP. This ANPR does not address any insurance or engineering aspects of the NFIP.

All participating communities and States will receive a copy of this ANPR upon publication to assure their opportunity to comment.

Background

The National Flood Insurance Program (NFIP) is a self-help program designed to reduce flood damages and the high costs of flood disasters. The program was established by Congress in 1968 under the National Flood Insurance Act. For decades the national response to flood disasters was generally limited to building flood control works (dams, levees, seawalls, etc.) and providing disaster relief to flood victims. To compound the problem, the public could not buy flood coverage from insurance companies, and building techniques to reduce flood damage to new construction were often overlooked. In the face of mounting annual flood losses, Congress created the NFIP to mitigate future damage and provide insurance against property losses which do occur.

The NFIP works on the basis of an agreement between the Federal Government and those flood-prone communities that choose to participate in the program. The community agrees to adopt and enforce the minimum standards required by FEMA for mitigation of flood losses. In return, the Federal Government agrees to make flood insurance available through local insurance agents to individual property owners at reasonable rates as a financial protection against flood damage.

The program must have community participation to work. Without community oversight of building activities in the flood plains, the best efforts of some to reduce flood losses could be undermined or destroyed by the careless building of others. Unless the community, as a whole, practices adequate flood hazard mitigation, the potential for loss cannot be lowered sufficiently to reduce disaster assistance costs and flood insurance payouts, both desirable national goals. The actuarial insurance rates for new construction depend on how safe the structure is from the estimated flood risk.

This agreement by participating communities to practice adequate flood plain management to mitigate future losses is the cornerstone of the NFIP. Congress did not intend to subsidize indefinitely the expense of the program. Instead, the Congress intended the NFIP to become a financially self-supporting program once wise flood plain management is achieved in all participating flood-prone communities, and the older building stock is replaced by new construction built to wise flood plain management standards. These occurrences will ultimately result in actuarially sound rates being charged for all risks insured under the program.

FEMA is also required by law to develop criteria or standards to encourage States and local governments to adopt adequate measures for flood hazard mitigation. FEMA also provides technical assistance and funding to States and local governments for flood hazard mitigation projects. In the event of a Presidentially-declared flood disaster, FEMA provides disaster assistance and aids in recovery efforts. FEMA operates the insurance aspects of the NFIP through a servicing agent who reports to the FIA Administrator and deals with local insurance agents and insurance adjusters across the country.

The States also have an important role in the effort to reduce flood losses. Each Governor has designated an

agency of State Government to coordinate the State's flood insurance program activities. These State agencies, in addition to other flood hazard mitigation activities, assist communities in defining and adopting flood plain management measures required for community participation in the NFIP.

Community participation in the NFIP is voluntary. Each flood-prone community must assess its flood hazard and determine whether flood plain management measures and flood insurance would be beneficial to the community and its residents. The primary concern most communities have about joining the NFIP is the effect flood plain management will have on future develpment in flood hazard areas.

Although participation by a community in the NFIP is voluntary, non-participation by a community which has flood hazards in the community (which are identified by FEMA on a flood hazard map) impacts on that community. Congress decided, by passage of the Flood Disaster Protection Act of 1973, that the Federal Government should not invest funds or provide financial assistance in these designated flood-prone areas to communities which did not join the NFIP and, therefore, did not elect to make flood insurance available to residents or to practice flood plain management to mitigate flood losses after the hazard has been identified for one year.

The Act requires the purchase of flood insurance to protect buildings acquired or constructed *in FEMA identified flood hazard areas* with Federal or federally related financial assistance. If the community has chosen not to participate in the NFIP, loans, grants or insurance from Federal agencies as well as guarantees made by Federal agencies such as the Federal Housing Administration and Veterans Administration are prohibited for acquisition or construction of buildings *in flood hazard areas,* once a year has elapsed since the identification of the community as one having special flood hazard areas. However, lending institutions insured or regulated by a Federal agency may make other types (conventional) of loans at their own discretion in these *flood hazard areas.*

In addition, if a community chooses not to participate after it has known for one year that flood hazards exist in the community as identified by FEMA, no disaster assistance *for acquisition or construction of buildings in flood hazard areas* may be provided by FEMA in the event of a flood disaster. Families may receive assistance under the temporary housing program which is not related to acquisition or construction, but may not receive funds for minimal repairs to their dwelling. Individual and family grant assistance for housing and personal property is not available under these circumstances. Congress requires these sanctions to avoid spending Federal tax dollars *in flood hazard areas* of communities not willing to take steps to protect lives and property from flood hazards.

As described above, one of FEMA's roles in administering the NFIP is to develop criteria to encourage States and local governments to adopt adequate flood plain management measures. Communities must adopt and enforce such measures to participate in the NFIP. Specifically, Section 1361 of the National Flood Insurance Act of 1968, *as amended,* requires FEMA to develop comprehensive criteria designed to encourage, where necessary, the adoption of adequate State and local measures which, to the maximum extent feasible, will:

(1) Constrict the development of land which is exposed to flood damage where appropriate,

(2) Guide the development of proposed construction away from locations which are threatened by flood hazards,

(3) Assist in reducing damage caused by floods, and

(4) Otherwise improve the long-range land management and use of flood-prone areas, and work closely with and provide any necessary technical assistance to State, interstate, and local government agencies, to encourage the application of such criteria and the adoption and enforcement of such measures.

To meet this requirement, FEMA has developed minimum standards for flood plain management which communities must meet to participate in the NFIP. These minimum standards are published at 44 CFR Part 60. A community must adopt and enforce flood plain management regulations based on these minimum standards. The detail of flood risk information published by FEMA determines the extent of regulation by the community of its flood hazard areas.

In general, the minimum standards established by FEMA for community flood plain management programs have provided adequate guidance to communities in formulating local flood plain management measures. While these minimum standards must be adopted as the base of each participating community's flood plain management program, they can be tailored for consistency with local regulatory language and community needs. Of course, a community may adopt more restrictive requirements or a State, through its State laws, may require a community to meet more restrictive standards than FEMA's minimum standards.

Specific Issues

Some specific issues, described below, have been identified by FEMA which may warrant resolution by regulatory revision to the minimum flood plain management criteria. Comments will be appreciated on these issues with specific suggestions for resolving any problems within the context of the national minimum standards; however, comments on any aspect of the minimum flood plain management standards will be reviewed carefully.

1. *Mobile homes/manufactured housing:* Historically, mobile homes have been treated differently in the NFIP minimum flood plain management standards because they were less able to withstand the forces of strong winds, waves and the channelized streamflows of flood waters, and, consequently, represented a greater risk of loss from flood damage. In addition, the trailer style mobile home was the predominant type of nonconventionally built housing.

FEMA recognizes that manufactured housing (including mobile homes) represents a growing share of the housing market and that improvements in construction design standards for manufactured housing have been made. FEMA is examining the current minimum flood plain management standards which affect the placement and anchoring of mobile homes (manufactured housing) in special flood hazard areas. In addition, the definition of "mobile home" is being reexamined to determine the proper scope of the definition. In evaluating these issues, FEMA's primary concern is whether mobile homes/manufactured housing will be protected adequately from flooding if the same standards required for conventional housing are applied.

2. *Definitions:* FEMA is reviewing the flood plain management definitions used for the National Flood Insurance Program. The following definitions are under substantive review: "habitable floor," and "mobile home." In addition, FEMA is considering defining the following flood plain management terms: "addition or improvement to new construction," "alluvial fan," "basement," and "floor" or "lowest floor."

3. *Alluvial fan flooding:* FEMA is considering the need for developing new standards for alluvial fan flooding which is a type of flooding that occurs in the western United States. The physical characteristics of this type of flooding

are different from typical riverine flooding. Alluvial fan flooding is often accompanied by large amounts of debris moving in high velocity waters and creates serious scour and erosion of land.

4. *State flood plain management programs:* FEMA is reviewing ways to more formally recognize State flood plain management programs as they relate to the objectives of the National Flood Insurance Program. FEMA is looking for effective means of increasing State involvement in achieving these objectives of reducing flood losses and protecting future construction against flood damage. Any suggestions or comments in this regard will be reviewed carefully.

All comments received will be reviewed carefully and addressed in a subsequent notice of proposed rulemaking.

List of Subjects in 44 CFR Parts 59 and 60

Flood insurance, Flood plains.

Issued: November 23, 1982.

Signed: Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 82-33631 Filed 12-10-82; 8:45 am]

BILLING CODE 6718-01-M

federal register

Monday
December 13, 1982

Part III

Federal Emergency Management Agency

Disaster Assistance; Declaration Process; Interim Rule

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 205

[Docket No. 205, Subpart C]

Disaster Assistance; Declaration Process; Interim Rule

AGENCY: Federal Emergency Management Agency.

ACTION: Interim rule.

SUMMARY: This rule establishes the Federal Emergency Management Agency regulations for the Declaration Process as 44 CFR 205, Subpart C. The material in this subpart pertains to Governors' requests for declarations of major disasters or emergencies, the processing of these requests, declarations by the President, activities of Federal Coordinating Officers, the designation of areas eligible for assistance and the types of assistance to be provided, FEMA-State Agreements, and other information. Subpart C is being published as an interim rule at this time. This interim rule in large part reestablishes existing regulations of the Federal Emergency Management Agency currently located at 44 CFR Part 205. However, Subpart C will clarify a number of issues which are not addressed in the existing regulations. Due to the interest in these regulations, FEMA will continue to evaluate the interim rule and any comments which are submitted. It is anticipated that a final rule will be published in a 6 to 12 month period. The Federal Emergency Management Agency is soliciting public comments on this interim rule.

DATES: This interim rule is effective January 12, 1983. Comments by March 31, 1983.

ADDRESS: Send comments to: Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Office of Disaster Assistance Programs (SL–DA), Directorate of State and Local Programs and Support (SLPS), Federal Emergency Management Agency, Washington, D.C. 20472, Telephone: (202) 287–0501.

SUPPLEMENTARY INFORMATION: Proposed rulemaking was published on pages 17956–17960 of the Federal Register of April 26, 1982 and invited comments for 60 days. Comments were received from 14 State and local governments as well as offices within FEMA itself. All comments received careful consideration in making changes and revisions. The following explanatory remarks summarize significant comments, suggestions and actions taken. If proposed legislation, currently being considered by the Congress is enacted, Pub. L. 93–288 would be changed and therefore require additional changes to this subpart. Publication of this interim rule also conforms with the FEMA response provided on February 11, 1982 to the Comptroller General of the United States with regard to his report entitled "Requests for Federal Disaster Assistance Need Better Evaluation".

Definitions

Commitment. Both the definition and the required certification by the Governor reflect the statutory requirement of Section 301(b) of Pub. L. 93–288. While broad in context, it does stipulate that a portion must be borne by the State. A listing of all eligible items for this commitment is not considered appropriate due to the wide diversity of resources which exist in the various States. However, the suggested formats which have been published do provide an adequate listing for this purpose.

Incident Period. When the termination date of an incident period is not known at the time of a declaration by the President, it does not delay the signing of the FEMA-State Agreement. Rather, the termination date is inserted at a later date by amendment. Since most Federal assistance which is provided under an emergency declaration cannot be made retroactively, the incident period for emergency declarations, unless otherwise stipulated, begins at 12:01 a.m. on the date of the declaration.

Significant. This definition is deleted.

Policy

Federal disaster assistance is supplementary to the capabilities of State and local governments. Hazard mitigation measures are emphasized in order to reduce or eliminate future damage from similar occurrences. Such measures are intended to reduce or eliminate both hardships for individuals and costs to Federal, State and local governments.

Requests for Emergencies and Major Disaster Declarations

It has been a long established practice that such requests are submitted to the President through the appropriate Regional Director. This assures prompt acknowledgement and processing. When this practice is not followed, a delay in processing almost always occurs. Information to be included in requests is either required by the statute or is necessary in the processing of the request. While the use of the formats suggested by the Associate Director is not mandatory, information listed in § 205.33(c) and in § 205.34(c) is required. Although the implementation of the State emergency plan is not a statutory requirement prior to requesting an emergency declaration, such action would be considered prudent in almost all instances requiring emergency assistance. Section 205.34(d) which related to incidents arising from heavy snow or blizzard conditions has been removed. This information and related details will be included in the formats suggested by the Associate Director.

Processing Requests

Section 205.35(b) has been expanded for clarity.

FEMA-State Agreements

Transfer of Funds. This paragraph has been expanded to include audit activities.

Hazard Mitigation. Additional language has been added for emphasis.

Insurance. This paragraph has been reworded for clarity.

Temporary Housing. Experience has shown that the requirement for temporary housing assistance tends to be met within 18 months. In those few instances where a State is unable or unwilling to accept temporary housing responsibility after 18 months, the paragraph may be reworded to indicate this. In any event, Federal involvement in temporary housing ends after 18 months, unless waived by the Associate Director.

Designation of Affected Areas and Eligible Assistance

The authority to make such designations is delegated to the Associate Director. Designations are based on the areas and assistance requested by the Governor. Designations are usually made by County although in some instances County designations may not be appropriate. A significant change is being made to § 205.40(a) which will allow designation of adjacent areas for Individual Assistance purposes unless specifically excluded in the Governor's request. As an example, in those cases where a county is designated eligible for Individual Assistance, counties adjacent to the designated county will also be considered for such assistance and, as appropriate, the Associate Director could designate all, some or none of these adjacent counties eligible for Individual Assistance. Such adjacent area designation would be reflected in the Federal Register.

The adoption by the Federal Emergency Management Agency of Subpart C, The Declaration Process, is a procedural administrative action which supports normal day to day operations within the Federal Emergency Management Agency. Therefore, it has been determined pursuant to 44 CFR 10.8(c)(2)(viii) that implementation of Subpart C does not require an environmental impact statement or an environmental assessment.

Pursuant to the provisions of 5 USC 605(b) and to delegations of authority in Part 1 of this title, it is hereby certified that this regulation will not have a significant impact on a substantial number of small entities. The regulations deal with procedures by which Governors of States apply for declarations of emergency or major disaster by the President. Such declarations trigger the furnishing of certain supplemental Federal assistance. The regulations do not impose any requirements on small entities.

List of Subjects in 44 CFR Part 205

Community facilities, Disaster assistance, Grant programs, housing and community development.

Accordingly, (1) a new Subpart C is added to Subchapter D, Part 205, of Title 44; (2) the heading for Subpart D is changed to "Individual Assistance"; (3) Subpart D current §§ 205.45 through 205.47 and §§ 205.49 through 205.51 are recodified as follows: (a) Current § 205.45 becomes § 205.52; (b) current § 205.46 becomes § 205.58; (c) current § 205.47 becomes § 205.53; (d) current § 205.49 becomes § 205.56; (e) current § 205.50 becomes § 205.57; and (f) current § 205.51 becomes § 205.59; (4) remove §§ 205.39 through 205.44 of the current regulations; (5) remove §§ 205.17 and 205.18 of the current regulations; (6) redesignates § 205.28 of the current regulations as § 205.17; and (7) remove and reserve current Subpart B, entitled "Emergencies,"

Subpart C—The Declaration Process

Sec.

205.30 Purpose.
205.31 Definitions.
205.32 Policy.
205.33 Requests for major disaster declarations.
205.34 Requests for emergency declarations.
205.35 Processing requests for declarations of a major disaster or emergency.
205.36 Presidential determination.
205.37 Notification.
205.38 Appeal.
205.39 FEMA-State Agreements.
205.40 Designation of affected areas and eligible assistance.
205.41 Initiation of Federal assistance.
205.42 Responsibilities of the coordinating officer.
205.43 Emergency support teams.
205.44 through 205.49 [Reserved]

Authority: Sec. 7(d), Department of Housing and Urban Development Act (79 Stat. 670, 42 U.S.C. 3535(d)); Reorganization Plan No. 3 of 1978 (43 FR 41943); Executive Order 12127, dated March 31, 1979 (44 FR 19367); Executive Order 12148 dated, July 20, 1979, unless otherwise noted.

Subpart C—The Declaration Process

§ 205.30 Purpose.

The purpose of this subpart is to describe the process leading to a Presidential declaration of a major disaster or an emergency and the actions triggered by such a declaration.

§ 205.31 Definitions.

All definitions listed in Pub. L. 93–288 and in § 205.2 apply. In addition, the following definitions apply:

(a) *Associate Director.* The Associate Director, State and Local Programs and Support, Federal Emergency Management Agency, or his/her designated representative.

(b) *Commitment.* Certification by the Governor in support of his request for a declaration of a major disaster or an emergency, pledging for the current major disaster or emergency, State and local government obligations and expenditures, which are disaster-related, extraordinary and unforeseen (of which the State's pledges must be a significant proportion), and stating that such obligations and expenditures, identified as nonreimbursable by Federal funds, are a reasonable amount of funds of such State and local governments for alleviating the damage, loss, hardship or suffering resulting from such major disaster or emergency.

(c) *Emergency Support Team.* Organized group of program and support personnel established by the Regional Director or the Associate Director to be deployed in an area affected by a major disaster or emergency to assist the Federal Coordinating Officer (FCO) in carrying out his/her responsibilities under the Act.

(d) *FEMA-State Agreement.* A formal legal document stating the understandings, commitments, and binding conditions for assistance applicable as the result of the major disaster or emergency declared by the President.

(e) *Incident.* Any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe which causes damage or hardship that may result in a Presidential declaration of a major disaster or an emergency.

(f) *Incident Period.* As determined at the discretion of the Associate Director, the time interval stated in the FEMA-State Agreement during which damages, hardship and suffering occur from the catastrophe for which supplemental Federal disaster assistance is eligible. The incident period for emergencies starts at 12:01 a.m. on the date of the emergency declaration by the President unless otherwise specified in the declaration document. The termination date of an incident period may not be known at the time the FEMA-State Agreement is signed. However, at such time as the termination date is determinated by FEMA, it will be added to the Agreement by amendment.

(g) *Individual Assistance.* Supplementary Federal assistance provided under Pub. L. 93–288 to individuals and families adversely affected by a major disaster or an emergency. Such assistance may be provided directly by the Federal Government or through State or local governments or disaster relief organizations. For further information, see Subpart D of these regulations.

(h) *Mission Assignment.* Work order or request for performance of work issued by the Regional Director, Associate Director or Director to a Federal agency directing completion by that agency of specified tasks and citing funding, other managerial controls or guidance.

(i) *Public Assistance.* Supplementary Federal assistance provided under Pub. L. 93–288 to State and local governments or certain private, non-profit organizations other than assistance for the direct benefit of individuals and families. For further information, see Subpart E of these regulations.

§ 205.32 Policy.

(a) It is the policy of the Federal Emergency Management Agency (FEMA) to provide an orderly and continuing means of assistance by the Federal Government to supplement the efforts of the State and local governments in carrying out their responsibilities to alleviate the suffering and damage that result from declared major disasters and emergencies.

(b) The policies listed in § 205.3 apply. It is also the policy of FEMA in approving disaster assistance, to encourage States and local governments to seek permanent solutions to problems in areas which are disaster-prone from sources other than the President's Disaster Relief Fund. Failure to properly implement State hazard mitigation plans

approved by FEMA as the result of a major disaster or emergency may contribute to losses, hardships or damages resulting from future catastrophies or emergencies. The resulting damages will be assessed and considered whenever applicable in processing any requests for a declaration of a major disaster or emergency.

§ 205.33 Requests for Major Disaster Declarations.

(a) When a catastrophe occurs in a State, the Governor may request that the President declare a major disaster for the State upon the Governor's finding that:

(1) The situation is of such severity and magnitude that effective response is beyond the capabilities of the State and affected local governments; and

(2) Federal assistance under the Act is necessary to supplement the efforts and available resources of the State, local governments, and disaster relief organizations.

(b) Only the Governor of a State, or the Acting Governor in his/her absence, may request a major disaster declaration. The Governor should submit the request to the President through the appropriate Regional Director to ensure prompt acknowledgment and processing. Use of the formats suggested by the Associate Director for such requests will assure coverage of essential information and should avoid delays in processing. These suggested formats have been published by the Associate Director in the **Federal Register** for comment and shall be updated as necessary based on such comments and experiences in processing current requests.

(c) The request shall include:

(1) Confirmation that the Governor has taken appropriate action under State law and has directed the execution of the State emergency plan;

(2) An estimate of the amount and severity of damages and losses stating the impact of the disaster on the public and private sector;

(3) Information describing the extent and nature of State and local resources which have been or will be used to alleviate conditions of the disaster, stating specifically those activities for which no Federal funding will be requested;

(4) Preliminary estimates of the types and amount of supplementary Federal disaster assistance needed under the Act; and

(5) Certification by the Governor that State and local government obligations and expenditures for the disaster (of which State commitments must be a significant proportion) will constitute the expenditure of a reasonable amount of funds for alleviating the damage, loss, hardship or suffering resulting from such disaster. The required certification of the State and local government commitments must be documented by filling out the 'commitments' section of the formats referred to in paragraph (b) of this section.

(d) For those catastrophes of unusual severity and magnitude when field damage assessments are not needed to determine the requirement for supplemental Federal assistance, the Governor or Acting Governor may make a verbal request to the Regional Director for a declaration of a major disaster, with assurances that a written request will be promptly prepared and forwarded by the State fully meeting the requirements of these regulations. Upon receipt of such verbal request, the Regional Director and the Director shall expedite the processing of reports and recommendations to the President. Notification to the Governor of the Presidential declaration shall be in accordance with 44 CFR 205.37. The Associate Director shall assure that documentation of the declaration is later assembled to comply fully with these regulations.

§ 205.34 Requests for emergency declarations.

(a) When a catastrophe occurs or threatens to occur in a State, the Governor may request that the President declare an emergency upon the Governor's finding that the situation:

(1) Is of such severity and magnitude that effective response is beyond the capability of the State and the affected local government(s); and

(2) Requires supplementary Federal emergency assistance to save lives and protect property, health and safety, or to avert or lessen the threat of a disaster and which should be provided by the Federal Government because of the pressures of time or the unique capabilities of the Federal Government.

(b) Only the Governor of a State, or the Acting Governor in his/her absence, may request that the President declare an emergency, The Governor should submit the request to the President through the appropriate Regional Director to ensure prompt acknowledgment and processing. Use of the formats suggested by FEMA for such requests will assure coverage of essential information and should avoid delays in processing.

(c) The request shall include:

(1) Information describing the State and local efforts and resources which have been or will be used to alleviate the emergency, including those for which no Federal funding will be requested;

(2) Identification of the particular type and specific extent of Federal aid required, and of any proposed cost sharing; and

(3) An assessment by the Governor that the capabilities and resources of the State and local government(s) have been or are being fully committed to cope with the catastrophe. Such capabilities and resources need not be exhausted, but State and local government efforts, as deemed appropriate by FEMA, are necessary before FEMA emergency assistance can be authorized.

§ 205.35 Processing requests for declarations of a major disaster or emergency.

(a) The Regional Director shall provide written acknowledgment of the Governor's request. Based on a FEMA investigation, which may include damage assessments of the affected area(s) and consultations with appropriate State and Federal officials and other interested parties, the Regional Director shall promptly submit a report and a recommendation to the FEMA Director through the Associate Director.

(b) The Director shall forward the Governor's request together with a report and a recommendation to the President.

(1) *Major Disaster Request.* The recommendation will be based on a report which will indicate whether or not the situation is of such severity and magnitude so as to be beyond the capabilities of the State and its local governments and whether or not Federal assistance under Pub. L. 93–288 is necessary to supplement the efforts and available resources of the State and local governments, and other disaster relief organizations or activities.

(2) *Emergency Request.* The recommendation will be based on a report which will indicate whether or not Federal emergency assistance under Pub. L. 93–288 is necessary to supplement State and local efforts to save lives and protect property, public health and safety or to avert or lessen the threat of a disaster, which because of the pressures of time or because of the unique capabilities of a Federal agency, should be provided by the Federal Government.

§ 205.36 Presidential determination.

(a) Based on the Governor's request for a major disaster and the Director's report and recommendation, the President may declare that a major

disaster exists, or that an emergency exists.

(b) Based on the Governor's request for an emergency and the Director's report and recommendation, the President may declare that an emergency exists.

§ 205.37 Notification.

(a) The Governor will be promptly notified by the Director or his/her designee of a declaration by the President that an emergency or a major disaster exists. FEMA also will notify other Federal agencies and other interested parties.

(b) The Governor will be promptly notified by the Director or his/her designee of a determination that the Governor's request does not justify the use of the authorities of Pub. L. 93–288.

§ 205.38 Appeal.

When a request for a major disaster declaration or for an emergency declaration is denied, the Governor may appeal the decision within 30 days after the date of the letter denying the request. This request for reconsideration, along with appropriate additional information, is submitted to the President through the appropriate Regional Director. The processing of this request is similar to the initial request.

§ 205.39 FEMA-State Agreements.

(a) *General.* The FEMA-State Agreement states the understandings, commitments, and conditions for assistance under which FEMA disaster assistance shall be provided. This Agreement imposes binding obligations on FEMA, States and their local governments in the form of conditions for assistance which are legally enforceable. However, such conditions may be modified by a properly executed amendment to the FEMA-State Agreement. No FEMA funding may be authorized or provided to any grantees or other recipients, and authorized by mission assignment until such time as this Agreement for the Presidential declaration has been signed and is fully in effect.

(b) *Major Disasters.* Upon the declaration of a major disaster, the Governor, acting for the State, and the FEMA Regional Director or his/her designee, acting for the Federal Government, shall execute a FEMA-State Agreement. This Agreement describes the incident period for which assistance will be made available, the type and extent of the Federal assistance to be made available, and contains the commitment of the State and local government(s) with respect to the amount of funds to be expended in alleviating damage and suffering caused by the major disaster. The Agreement also contains such other terms and conditions consistent with the declaration and the provisions of applicable laws, Executive Orders and regulations. The Governor's Authorized Representative and the Regional Director or his/her designee may execute subsequent amendments to the Agreement for the same major disaster.

(c) *Emergencies.* Upon the declaration of an emergency, the Governor, acting for the State, and the FEMA Regional Director or his/her designee, acting for the Federal Government, shall execute a FEMA-State Agreement. This Agreement contains the necessary terms and conditions consistent with the declaration and the provisions of applicable laws, Executive Orders and regulations. This Agreement specifies the beginning and the end of the incident period, identifies the type and extent of Federal assistance, and includes any details unique to the current emergency. The Governor's Authorized Representative and the Regional Director or his/her designee may execute subsequent amendments to the Agreement for the same emergency. The Federal assistance specified in the Agreement or an amendment is the only assistance eligible for Federal funding or reimbursement under Pub. L. 93–288, as amended.

(d) *Transfer of Funds.* In the event that funds are to be transferred to a State for disaster relief purposes, the FEMA-State Agreement shall contain, and the State and its political subdivisions shall agree to, the following conditions for assistance:

In the event that a State or local government violates any of the conditions imposed upon disaster relief assistance under law, this Agreement, or applicable Federal regulations, the Associate Director may notify the State that additional financial assistance for the purpose of the project in connection with which the violation occurred will be withheld until such violation has been corrected; provided, however, that if the Associate Director, after such notice to the State, is not satisfied with the corrective measures taken to comply with that notification, the Associate Director will notify the State that further financial assistance will be withheld for that project, or for all or any portion of financial assistance which has or is to be made available to the State or local governments for the purpose of disaster relief assistance under the provisions of the Agreement, applicable Federal regulations, and the Act. The State further agrees that FEMA or State auditors, the Governor's Authorized Representative, the Regional Director, the Associate Director, and the Comptroller General of the United States or their duly authorized representatives shall for the purpose of audit and examination have access to any books, documents, papers and records of any recipients of Federal disaster assistance and of any persons or entities which perform any activity which is reimbursed to any extent with Federal disaster assistance funds distributed under the authority of the Act.

(e) *Other Conditions for Assistance.* All FEMA-State Agreements shall also contain the following:

(1) The State agrees, on its behalf and on behalf of its political subdivisions and other recipients of Federal disaster assistance, to cooperate with the Federal government in seeking recovery of funds which are expended in alleviating the damages and suffering caused by any declared major disaster or emergency against any party or parties whose acts or omissions may in any way have caused or contributed to the damage or hardship for which Federal assistance is provided pursuant to a Presidential declaration of major disaster or emergency.

(2) The State will establish and maintain an active State program of non-discrimination in disaster assistance, outlined in 44 CFR 205.16. This program will encompass all State and local government actions pursuant to this Agreement.

(3) The State will establish and maintain a program to assure that State and local government recipients of Federal disaster assistance comply with the Department of Housing and Urban Development (DHUD) Consolidated List of Debarred, Suspended and Ineligible Contractors. This program also will encompass all State and local contracts pursuant to this Agreement.

(4) No member of or delegate to Congress or resident commissioner shall be admitted to any share or part of this Agreement, or to any benefit to arise thereupon; provided, however, that this provision shall not be construed to extend to any contract made with a corporation for its general benefit.

(f) *Typical Conditions for Assistance.* As determined necessary by the Associate Director, certain typical conditions for assistance may be included in the FEMA-State Agreement. However, some changes in wording may be made to fit the current major disaster or emergency. These conditions for assistance are:

(1) The State agrees that, as a condition for any Federal loan or grant, the State or that applicant shall evaluate the natural hazards in the areas in which the proceeds of the grants or loans are to be used and shall make appropriate recommendations to mitigate such hazards for Federally-

assisted projects. The State further agrees:

(i) To follow up with applicants, within State capabilities, to assure that, as a condition for any grant or loan under the Act, appropriate hazard mitigation actions are taken;

(ii) To prepare and submit, not later than 180 days after the declaration, to the Regional Director for concurrence, a hazard mitigation plan or plans for the FEMA designated areas; and

(iii) To review and update as necessary disaster mitigation portions of the State emergency plan.

The Regional Director agrees to make Federal technical advice and assistance available to support the planning efforts and actions. The State understands that future Federal disaster assistance may be curtailed in situations where hazard mitigation plans have not been implemented properly.

(2) Within his/her authorities, the Governor shall ensure, through the State agency responsible for regulation of the insurance industry, that insurance companies make full payment of eligible insurance benefits to disaster victims. The State also shall take all responsible steps to ensure that disaster victims are aware of procedures for filing insurance claims, are informed of any State procedures instituted for assisting insured disaster victims, and are aware of their responsibility to repay government assistance which is duplicated by insurance proceeds.

(3) The mandatory FEMA-State Agreement language at § 205.39(e)(1) shall, when determined necessary by the Regional Director, be amended to address any of the following issues which the Regional Director deems appropriate: The need for the State to pursue recoveries against responsible parties; reimbursement to the Federal government from any recoveries from responsible parties; review by the Federal government of proposed settlements between the State, its political subdivisions, or other recipients of Federal disaster assistance and any responsible parties; assignment to the Federal government of any rights of recovery which the State, its political subdivisions, or any other recipients of Federal disaster assistance might have against any responsible parties; intervention by the United States in any action instituted by the State, its political subdivisions, or any other recipients of Federal disaster assistance against any responsible parties; and other related issues.

(4) Since Federal operational and financial responsibility for temporary housing assistance shall not exceed eighteen (18) months from the date of the declaration by the President, the State agrees to accept such responsibility upon expiration of the Federal responsibility.

(5) For any program administered by the State involving FEMA funding, the State agrees to establish and maintain an active State program to avoid duplication of Federal benefits in disaster assistance. The State further agrees to take necessary action to recover any FEMA funding administered by the State in those situations where such duplication is reported or appears likely to have occurred.

§ 205.40 Designation of affected areas and eligible assistance.

(a) After a declaration by the President, the Associate Director shall designate the disaster-affected areas eligible for supplementary Federal assistance under Pub. L. 93–288 and shall publish these designations in the **Federal Register.** Unless specifically limited in the declaration documents, the Associate Director shall also determine and designate the types of assistance to be made available in the designated areas. These designations shall be based on the Governor's request or supplemental requests for assistance, taking into consideration available information and FEMA assesments of requirements. In addition to the areas designated eligible for Individual Assistance, the Associate Director may designate adjacent areas eligible for Individual Assistance unless such adjacent areas are specifically excluded in the Governor's request. The Associate Director may, at his/her discretion, designate all or only portions of the areas requested by the Governor as eligible for supplementary Federal assistance. In addition, the Associate Director may, at his/her discretion, or as directed by the President in the declaration letter, authorize all or only portions of the types of supplementary Federal assistance requested by the Governor. Determinations by the Associate Director of the types and extent of FEMA disaster assistance to be provided and of the areas eligible to receive such assistance, are based upon findings whether, in any particular area, the damage involved and its effects are of such severity and magnitude as to be beyond the response capabilities of the State, the affected local governments, and other potential recipients of supplementary Federal assistance.

(b) The Regional Director will promptly notify the Governor of the Associate Director's designations. In those instances where the type of assistance or certain areas requested by the Governor are not designated or authorized by the Associate Director, the Governor, or the Governor's Authorized Representative, may appeal the decision within 30 days of the date of the written notification by submitting a formal written appeal, with justification for reconsideration, to the Associate Director through the appropriate Regional Director.

(c) After a declaration by the President, the Governor, or the Governor's Authorized Representative, may request that additional areas or types of supplementary Federal assistance be designated by the Associate Director. Such requests shall be accompanied by appropriate commitments by State and local governments and assessments to demonstrate that the requested designations are justified and that the unmet needs are beyond State and local capabilities without supplementary Federal assistance.

§ 205.41 Initiation of federal assistance.

(a) *Federal Coordinating Officer.* Upon a declaration of a major disaster or of an emergency by the President, the Associate Director shall appoint a Federal Coordinating Officer (FCO) who shall initiate action immediately to assure that Federal assistance is provided in accordance with the declaration, applicable laws, regulations, and the FEMA-State Agreement.

(b) *Emergency.* The incident period for an emergency shall commence at 12:01 a.m., on the date of the President's declaration unless otherwise stated in the declaration documents.

(c) *Designees.* In the FEMA-State Agreement, the Governor shall appoint a State Coordinating Officer (SCO) and also shall designate the Governor's Authorized Representative (GAR), who shall administer Federal disaster assistance programs on behalf of the State and local governments and other grant or loan recipients.

§ 205.42 Responsibilities of the coordinating officer.

(a) Following a declaration of a major disaster or an emergency, the Federal Coordinating Officer (FCO) shall:

(1) Make an initial appraisal of the types of assistance most urgently needed;

(2) In coordination with the SCO, establish field offices and Disaster Assistance Centers as necessary to coordinate and monitor assistance programs, disseminate information, accept applications, and counsel

individuals, families and businesses concerning available assistance;

(3) Coordinate the administration of relief, including activities of State and local governments, activities of Federal agencies as well as those of the American Red Cross, the Salvation Army, the Mennonite Disaster Service and other voluntary relief organizations which agree to operate under the FCO's advice and direction;

(4) Undertake appropriate action to make certain that all of the Federal agencies are carrying out their appropriate disaster assistance roles under their own legislative authorities and operational policies; and

(5) Take other action, consistent with the provisions of the Act, as necessary to assist citizens and public officials in promptly obtaining assistance to which they are entitled.

(b) The State Coordinating Officer (SCO) coordinates State and local disaster assistance efforts with those of the Federal Government working closely with the FCO. The SCO is the principal point of contact regarding coordination of State and local disaster relief activities, implementation of the State emergency plan, and State compliance with the FEMA-State Agreement. The functions, responsibilities, and authorities of the SCO are set forth in the State emergency plan.

§ 205.43 Emergency support teams.

The Associate Director or Regional Director shall form emergency support teams of Federal personnel to send into an area affected by a major disaster or emergency. The Federal Coordinating Officer may request that the Regional Director activate appropriate emergency support teams. These emergency support teams assist the Regional Director or the Federal Coordinating Officer in carrying out his/her responsibilities under the Act and these regulations. Any Federal agency is authorized by the Act to detail personnel within the agency's administrative jurisdiction to temporary duty with the emergency support teams. The Regional Director or the Associate Director determines whether the detail is on a reimbursable or non-reimbursable basis. Each detail shall be without loss of seniority, pay, or other employee status. Except under unusual circumstances, as determined by the Regional Director, such emergency support teams shall be organized and trained by each Regional Director to meet the needs for emergency assistance applicable to his/her Region. When requested by the Regional Director, State, local, or volunteer agencies may, as necessary, provide personnel to be deployed with the emergency support teams.

§§ 205.44 through 205.49 [Reserved]

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Dated: October 25, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 82-33678 Filed 12-10-82; 8:45 am]

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Part IV

Department of Housing and Urban Development

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

Section 8 Housing Assistance Payments Program Fair Market Rent Schedules, Existing Housing; Proposed Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

[Docket No.R-82-1029]

Section 8 Housing Assistance Payments Program Fair Market Rent Schedules, Existing Housing

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Proposed rule.

SUMMARY: Section 8(c)(1) of the U.S. Housing Act of 1937 requires that the Fair Market Rents be published at least annually in the **Federal Register**. HUD is proposing to amend the Fair Market Rent (FMR) schedules for the Section 8 Existing Housing and Moderate Rehabilitation Programs (24 CFR Part 882), including space rentals by owners of manufactured (mobile) homes under the Section 8 Existing Program (24 CFR Part 882, Subpart F). HUD also is proposing to change the method used for establishing the FMRs, in the interest of cost containment. The proposed amended FMR schedules would apply to (1) HAP Contracts executed on and after the date that the amended FMR schedules become effective, (2) the computation of annual adjustments when authorized pursuant to § 882.108(a)(1)(B) for HAP Contracts executed before January 29, 1979, and (3) the computation of the public housing agency administrative fees.

DATE: Comments due: February 11, 1983.

ADDRESSES: Interested persons are invited to submit comments to the Rules Docket Clerk, Office of the General Counsel, Room 10278, Department of Housing and Urban Development, 451 7th Street, SW., Wahington, D.C. 20410. Each comment should include the commentor's name and address and must refer to the docket number indicated in the heading of this rule. Public Housing Agencies (PHAs) should simultaneously submit a copy of their comments to the Economic and Market Analysis Division in the appropriate HUD Field Office. A copy of each comment will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Cecelia D. Livingston, Existing Housing Division, Office of Existing Housing and Moderate Rehabilitation, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, (202) 755-5353. For technical information regarding the development of the schedules for specific areas or the method used for the rent calculations, contact Ellis V. St. Clair, Economic and Market Analysis Division, Office of Economic Affairs, HUD (same address), (202) 755-5590. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

1. *Proposed FMT Schedules.* Section 8(c)(1) of the U.S. Housing Act of 1937 requires that the Fair Market Rents be published at least annually in the **Federal Register**. The FMRs for the Section 8 Existing Housing Program (Schedule B) and for Manufactured Home Spaces in the Section 8 Existing Housing Program (Schedule D) that were published in the **Federal Register** (46 FR 17366) on March 18, 1981 and in the subsequent interim rule, were calculated using the criteria and procedures set forth in the **Federal Register** of June 22, 1979.

In the interest of cost containment, HUD is proposing to change the criteria and procedures for establishing FMRs. The current criteria used to determine the appropriate FMRs would be revised (1) to reflect 40th percentile rents (i.e. the rent level below which 40% of the standard units are distributed) rather than 50th percentile rents; (2) to exclude new units (units completed in the last two years) from the inventory of standard units; and (3) to include all rental units rather than only those units rented by recent movers. As in the past, the Department would continue to use the most recent Annual Housing Survey (AHS) data pertaining to units meeting Section 8 Existing Housing Program standards and would update previously established FMRs by using the Annual Adjustment Factors (AAFs) developed from the rent and fuel and utility components of the Consumer Price Index (CPI). A review of applicable housing inventory data indicates that an adequate supply of rental housing units meeting Section 8 program standards will generally continue to be available for program participants using the proposed FMR criteria for all family sizes and types.

The proposed FMRs have been developed as follows: (a) The median rents established in 1981 were updated by successively multiplying them by the 1982 and 1983 AAFs (including the highest cost utility); and (b) the 40th percentile rent levels were derived by multiplying the updated median rents by the ratio of the 40th percentile rent to the 50th percentile rent. For purposes of this calculation, the 40th percentile rent was based on all standard quality units (not just those rented by recent movers) which were completed two or more years ago; the 50th percentile rent was based on standard quality units rented by recent movers, including units completed in the last two years. The ratio of the 40th percentile rent to the 50th percentile rent was based on AHS data for 58 Standard Metropolitan Statistical Areas and the four Census regions. The following ratios were used:

Area	Ratio
Northeast Census region	0.856
North Central Census region	.903
South Census region	.839
West Census region	.876
Albany-Schenectady-Troy, NY	.836
Anaheim-Santa Ana-Garden Grove, CA	.909
Boston, MA	.884
Dallas-Fort Worth, TX	.830
Detroit, MI	.894
Los Angeles-Long Beach, CA	.860
Memphis, TN-AR-MS	.901
Minneapolis-St. Paul, MN-WI	.929
Newark, NJ	.796
Orlando, FL	.949
Phoenix, AZ	.939
Pittsburgh, PA	.794
Salt Lake City-Ogden, UT	.925
Spokane, WA	.883
Takoma, WA	.914
Washington, DC-MD-VA	.882
Wichita, KS	.819
Atlanta, GA	.888
Chicago, IL	.827
Cincinnati, OH-KY-IN	.833
Colorado Springs, CO	.933
Columbus, OH	.874
Hartford, CT	.815
Kansas City, MO-KS	.879
Madison, WI	.927
Miami, FL	.927
Milwaukee, WI	.859
New Orleans, LA	.806
Newport News-Hampton, VA	.882
Paterson-Clifton-Passaic, NJ	.840
Philadelphia, PA-NJ	.826
Portland, OR-WA	.944
Riverside-San Bernardino-Ontario, CA	.867
Rochester, NY	.889
San Antonio, TX	.897
San Diego, CA	.894
San Francisco-Oakland, CA	.873
Springfield-Chicopee-Holyoke, MA-CT	.785
Allentown-Bethlehem-Easton, PA-NJ	.810
Baltimore, MD	.860
Birmingham, AL	.827
Buffalo, NY	.850
Cleveland, OH	.870
Denver-Boulder, CO	.917
Grand Rapids, MI	.928
Honolulu, HI	.889
Houston, TX	.870
Indianapolis, IN	.892
Las Vegas, NV	.894
Louisville, KY-IN	.909
New York, NY-NJ	.767
Oklahoma City, OK	.926
Omaha, NE-IA	.885
Providence-Warwick-Pawtucket, RI-MA	.816
Raleigh-Durham, NC	.880
Sacramento, CA	.897
St. Louis, MO-IL	.877
Seattle-Everett, WA	.893

The proposed FMRs for Manufactured Home Spaces (Schedule D) were calculated by a procedure similar to that used for the Section 8 Existing Housing FMRs. The method used is as follows: (a) The median rents established in 1981 were updated by multiplying them by 1982 and 1983 Regional AAFs for manufactured home spaces developed

from the rent component of the CPI (excluding data pertaining to fuel and utilities); and (b) the 40th percentile rent levels for 1983 were derived by multiplying the updated median rents by the ratio of the 40th percentile rent to the 50th percentile rent (based on AHS rents for Manufactured Home Spaces). The following Regional AAFs and ratios were used:

Census region	AAF		40 percentile to 50 percentile ratio
	1982	1983	
Northeast	1.061	1.083	0.87
North Central	1.063	1.052	.90
South	1.074	1.063	.86
West	1.104	1.077	.84

In those areas were the 40th percentile rent levels where lower than the 1981 FMRs, the proposed FMRs were established at the 1981 level. Where the 40th percentile rent level calculated was lower than the 50th percentile rent for 1981, the dollar difference is shown in parenthesis on Schedule B. In the case of manufactured home space rents, there were no areas where the proposed FMRs for 1983 were lower than the previously approved 1981 FMRs.

2. *Submission of Comments to Amend Schedule B or Schedule D.* The Department is seeking public comment on this proposed rule. In particular, the Department would be interested in comments on (1) the proposed changes in the criteria (e.g., 40th percentile versus 50th percentile) for establishing FMR levels and (2) the 40th percentile proposed 1983 FMR levels.

The Department is interested in reducing cost while at the same time providing housing assistance to as many lower income families as possible. Accordingly, public comment concerning the appropriateness of changing the Fair Market Rent from a rent based on the 50th percentile standard to a rent based on the 40th percentile standard will be considered only where it can be documented that sufficient standard housing in the FMR area is not available at or below the 40th percentile. The 40th percentile rent is the rent level below which 40 percent of the units are distributed. Comments concerning changes in FMR criteria should address the lack of available standard housing in the area at or below the 40th percentile rents and must include supporting data. The data should establish the relationship between the supply of eligible units and the number of Certificate Holders who are shopping for rental housing. The rental market information should consider the number of units at or below the FMRs, the availability of vacant units, and expected rate of turnover in this segment of the local housing inventory. Since FMRs were not increased for 1982, PHAs may wish to compare their leasing experience during recent months with the experience during earlier periods (e.g., a monthly series showing the trends (1) in the percentage relationship between the total number of units under lease compared to the total number of units the PHA is authorized under the Annual Contributions Contract or (2) the number of units leased by certificate holders during the month compared to the number of certificate holder searching for housing).

Comments pertaining to FMR levels should include sufficient information (including a full description of the methodology used) and rental market data to show justification for any proposed changes. Recommendations and supporting data must reflect the rent levels that exist within the entire market area (i.e., Standard Metropolitan Statistical Area or nonmetropolitan county).

Local housing market studies, rental market surveys, or other comprehensive rental market data may be submitted to show the current 40th percentile rent levels for all standard quality rental housing units, excluding units completed in the last two years. To be representative, local survey data must be drawn from the entire inventory of standard quality rental units excluding new units, not just vacant units, and should approximate the same proportion of units by structure type and year built as exists in the total inventory. A weighted sample may be used to obtain appropriate coverage. The gross rents of all the units surveyed, including the units derived from a weighted sample, should be arranged in ascending order, and a count should be made to determined the 40th percentile rent based on the total number of units in the survey.

Local rental market surveys may be made to cover all bedroom sizes, or only selected bedroom sizes. Surveys that cover only two-bedroom units are acceptable if rent proposals for other size units are consistent with previously established HUD differentials by bedroom size, or other pertinent data is supplied to support the proposals for other size units.

For areas where gross rents have increased significantly as a result of taxes or the cost of fuel and utilities applicable to a major portion of the FMR area, data relating to these increased costs may be submitted to justify revision of the FMRs. Data must be adequately described to provide for comparability with fuel and utility cost data used in the Department's proposed FMR calculations, and must be representative of the rental inventory.

3. *Other Matters.* A Finding of No Significant Impact with respect to the environment is unnecessary since the Section 8 Existing Housing Program is categorically excluded from the National Environmental Policy Act procedures under 24 CFR 50.21(a)(4).

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of the Executive Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Pursuant to 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities because FMRs reflect the rents for similar quality units in an area. Therefore, FMRs do not change the rent from that which would be charged if the project were not in the Section 8 program.

This rule was listed as item C (24. H-36.81) under the Office of Housing in the Department's Semi-Annual Agenda of Regulations published on August 17, 1981 (46 FR 41719) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program number is 14.156, Lower-Income Housing Assistance Program (Section 8).

List of Subjects in 24 CFR Part 888

Rent subsidies.

Accordingly, 24 CFR Part 888, Subpart A, Schedule B and Schedule D is proposed to be revised as set forth below:

(Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); Sec. 8, U.S. Housing Act of 1937 (42 U.S.C. 1437f))

Dated: September 21, 1982.

Philip Abrams,

General Deputy, Assistant Secretary for Housing-Deputy Federal Housing Commissioner.

Fair Market Rents for Existing Housing—Schedules B&D—General Explanatory Notes

1. *Geographic Coverage:*

a. FMRs for Existing Housing (Schedule B) are established for all Standard Metropolitan Statistical Areas (SMSAs), nonmetropolitan counties, and county equivalents in the United States, District of Columbia, Puerto Rico, the Virgin Islands, and Guam. FMRs also are established for non-SMSA parts of counties in the New England states.

b. FMRs for Manufactured Home Spaces (Schedule D) are established for all SMSAs, selected nonmetropolitan counties, and the residual nonmetropolitan portion of each state.

2. *Constituent Parts of Standard Metropolitan Statistical Areas:*

a. The constituent counties (and New England towns and cities) included in the current 323 SMSAs are identified in the explanatory note following the listing of the FMRs in Schedules B and D. The SMSAs are listed in alphabetical order.

b. The current 323 SMSAs include 36 new SMSAs established by the Office of Management and Budget as of June 19, 1981. Rapid City, South Dakota no longer qualifies for metropolitan status, and the FMRs for that area now are listed for the nonmetropolitan counties of Meade and Pennington.

3. *Calculation of FMRs for 5- or more Bedroom Units:* The FMRs for unit sizes larger than 4-Bedrooms shall be calculated by adding 15 percent to the 4-BR FMR for each additional bedroom. To illustrate, the calculation of the FMR for a 5-BR unit would be 1.15×4-BR FMR=5-BR FMR. The calculation of the FMR for a 6-BR unit would be 1.30×4-BR FMR=6-BR FMR, the calculation of the FMR for a 7-BR unit would be 1.45×4-BR FMR=7-BR FMR, etc.

4. *FMR Hold Harmless Provision:* In those areas where the fortieth percentile FMRs for 1983 are lower than previously established FMRs, the previously established FMRs will remain in effect. The dollar difference between the previously established rent and the 1983 fortieth percentile rent calculation is shown in parenthesis to the right of each FMR in Schedule B. In the case of manufactured home space rents, there are no areas where the FMRs calculated for 1983 are lower than previously approved FMRs.

5. *Arrangement of the FMR Areas by HUD Regional and Area Office Jurisdictions:*

a. The FMRs in Schedules B and D are arranged by HUD Regional and Area Office jurisdictions. The 10 HUD Regional Office jurisdictions are as follows:

(1) Boston—Maine, Massachusetts, Vermont, New Hampshire, Rhode Island, Connecticut.

(2) New York—New York, New Jersey, Puerto Rico, Virgin Islands.

(3) Philadelphia—Maryland, Pennsylvania, Delaware, West Virginia, Virginia, District of Columbia.

(4) Atlanta—Georgia, Alabama, South Carolina, North Carolina, Mississippi, Florida, Kentucky, Tennessee.

(5) Chicago—Illinois, Ohio, Michigan, Indiana, Wisconsin, Minnesota.

(6) Fort Worth—New Mexico, Texas, Arkansas, Louisiana, Oklahoma.

(7) Kansas City—Missouri, Kansas, Iowa, Nebraska.

(8) Denver—Wyoming, Colorado, North Dakota, Montana, Utah, South Dakota.

(9) San Francisco—Hawaii, California, Arizona, Nevada, Guam.

(10) Seattle—Alaska, Idaho, Oregon, Washington.

b. The Area Office FMR listings are eivided into Service Office and Evaluation Station groups, but the names of the Service Offices and Evaluation Stations are not shown.

BILLING CODE 4210-27-M

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 1 BOSTON, MASSACHUSETTS AREA OFFICE						
SMSA : BANGOR, ME.		206	249	292	337	379 (2)
SMSA : LEWISTON-AUBURN, ME		206	239	283	326	360
SMSA : PORTLAND, ME		228	277	326	384 (2)	457 (8)
SMSA : PORTSMOUTH-DOVER-ROCHESTER, NH-ME		226	259	311	359	394
NONSMSA PART : ANDROSCOGGIN	ME	206	239	283	326	360
COUNTY : AROOSTOOK	ME	218	263	307	352 (1)	398 (2)
NONSMSA PART : CUMBERLAND	ME	206	249	292	337	379 (2)
COUNTY : FRANKLIN	ME	198	228	270	303	332
COUNTY : HANCOCK	ME	198	236	277	319	360
COUNTY : KENNEBEC	ME	206	239	283	326	360
COUNTY : KNOX	ME	214	246	291	326	357
COUNTY : LINCOLN	ME	214	246	291	326	357
COUNTY : OXFORD	ME	198	228	270	303	332
NONSMSA PART : PENOBSCOT	ME	206	249	292	337	379 (2)
COUNTY : PISCATAQUIS	ME	198	228	270	303	332
COUNTY : SAGADAHOC	ME	206	249	292	337	379 (2)
COUNTY : SOMERSET	ME	214	246	291	326	357
NONSMSA PART : WALDO	ME	198	228	270	303	332
COUNTY : WASHINGTON	ME	198	228	270	303	332
NONSMSA PART : YORK	ME	221	256	304	348	383 (1)
SMSA : BOSTON, MA		314	353	419	476	537
SMSA : BROCKTON, MA		224	274	325	380 (3)	431 (6)
SMSA : FALL RIVER, MA-RI		231	268	317	369 (3)	405 (3)
SMSA : FITCHBURG-LEOMINSTER, MA		213	261	309	359 (1)	408 (4)
SMSA : LAWRENCE-HAVERHILL, MA-NH		254	297	348	425 (7)	481 (12)
SMSA : LOWELL, MA NH		253	290	336	387 (3)	422 (6)
SMSA : NEW BEDFORD, MA		231	268	317	369 (3)	405 (3)
SMSA : PITTSFIELD, MA		186	228	267	307	349
SMSA : PROVIDENCE-WARWICK-PAWTUCKET, RI-MA		227 (6)	264 (9)	315 (13)	369 (20)	405 (22)
SMSA : SPRINGFIELD-CHICOPEE-HOLYOKE, MA-CT		216 (13)	267 (18)	321 (27)	375 (33)	425 (41)
SMSA : WORCESTER, MA		257	297	348	406 (5)	447 (7)
COUNTY : BARNSTABLE	MA	279	321	387 (4)	455 (11)	510 (15)
NONSMSA PART : BERKSHIRE	MA	214	263	310	358 (1)	390 (2)
NONSMSA PART : BRISTOL	MA	228	263	310	360	396 (2)
COUNTY : DUKES	MA	279	321	387 (4)	455 (11)	510 (15)
NONSMSA PART : ESSEX	MA	246	286	347	404 (5)	468 (12)
COUNTY : FRANKLIN	MA	240	284	336	377 (3)	417 (6)
NONSMSA PART : HAMPDEN	MA	223	258	307	356 (1)	393 (1)
NONSMSA PART : HAMPSHIRE	MA	240	284	336	377 (3)	417 (6)
NONSMSA PART : MIDDLESEX	MA	240	275	320	370 (3)	407 (3)
COUNTY : NANTUCKET	MA	279	321	387 (4)	455 (11)	510 (15)
NONSMSA PART : NORFOLK	MA	201	247	292	340	385 (2)
NONSMSA PART : PLYMOUTH	MA	234	272	324	381 (3)	435 (6)
NONSMSA PART : WORCESTER	MA	213	261	309	359 (1)	408 (4)

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 1 BOSTON, MASSACHUSETTS AREA OFFICE						
SMSA : BURLINGTON, VT		228	273	320	387 (3)	443 (6)
COUNTY : ADDISON	VT	228	273	320	387 (3)	443 (6)
COUNTY : BENNINGTON	VT	228	273	320	387 (3)	443 (6)
COUNTY : CALEDONIA	VT	218	257	304	368 (3)	427 (6)
NONSMSA PART : CHITTENDEN	VT	228	273	320	387 (3)	443 (6)
COUNTY : ESSEX	VT	218	257	301	335	375 (2)
NONSMSA PART : FRANKLIN	VT	218	257	304	368 (3)	427 (6)
NONSMSA PART : GRAND ISLE	VT	218	257	304	368 (3)	427 (6)
COUNTY : LAMOILLE	VT	218	257	301	335	375 (2)
COUNTY : ORANGE	VT	218	257	304	368 (3)	427 (6)
COUNTY : ORLEANS	VT	218	257	304	368 (3)	427 (6)
COUNTY : RUTLAND	VT	228	273	320	387 (3)	443 (6)
COUNTY : WASHINGTON	VT	218	257	304	368 (3)	427 (6)
COUNTY : WINDHAM	VT	228	273	320	387 (3)	443 (6)
COUNTY : WINDSOR	VT	228	273	320	387 (3)	443 (6)
SMSA : LAWRENCE-HAVERHILL, MA-NH		254	297	348	425 (7)	481 (12)
SMSA : LOWELL, MA NH		253	290	336	387 (3)	422 (6)
SMSA : MANCHESTER, NH		249	297	353 (2)	382 (3)	420 (6)
SMSA : NASHUA, NH		249	297	353 (2)	382 (3)	420 (6)
SMSA : PORTSMOUTH-DOVER-ROCHESTER, NH-ME		226	259	311	359	394
COUNTY : BELKNAP	NH	221	256	304	344	377 (2)
COUNTY : CARROLL	NH	206	242	285	321	352
COUNTY : CHESHIRE	NH	232	268	318	359 (1)	399 (2)
COUNTY : COOS	NH	206	242	285	321	352
COUNTY : GRAFTON	NH	210	249	293	335	374 (2)
NONSMSA PART : HILLSBOROUGH	NH	222	254	301	350	383 (1)
NONSMSA PART : MERRIMACK	NH	222	254	301	350	383 (1)
NONSMSA PART : ROCKINGHAM	NH	232	263	312	359 (1)	394 (1)
NONSMSA PART : STRAFFORD	NH	221	256	304	344	377 (2)
COUNTY : SULLIVAN	NH	221	256	304	344	377 (2)
SMSA : FALL RIVER, MA-RI		231	268	317	369 (3)	405 (3)
SMSA : NEW LONDON-NORWICH, CT-RI		216	263	310	359 (1)	408 (4)
SMSA : PROVIDENCE-WARWICK-PAWTUCKET, RI-MA		227 (6)	264 (9)	315 (13)	369 (20)	405 (22)
NONSMSA PART : KENT	RI	227	263	310	363 (1)	399 (2)
NONSMSA PART : NEWPORT	RI	244	276	329	369 (3)	410 (4)
NONSMSA PART : PROVIDENCE	RI	227	263	310	363 (1)	399 (2)
NONSMSA PART : WASHINGTON	RI	227	263	310	363 (1)	399 (2)
REGION - 1 HARTFORD, CONNECTICUT AREA OFFICE						
SMSA : BRIDGEPORT, CT		243	294	347	402 (5)	457 (8)

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 1 HARTFORD, CONNECTICUT AREA OFFICE						
SMSA : BRISTOL, CT		214	264	312	365 (1)	414 (5)
SMSA : DANBURY, CT		270	328 (1)	389 (4)	452 (11)	512 (17)
SMSA : HARTFORD, CT		246 (7)	303 (14)	363 (20)	422 (27)	479 (34)
SMSA : MERIDEN, CT		206	254	301	350	393 (1)
SMSA : NEW BRITAIN, CT		214	264	312	365 (1)	414 (5)
SMSA : NEW HAVEN-WEST HAVEN, CT		249	301	355 (2)	413 (5)	468 (12)
SMSA : NEW LONDON-NORWICH, CT-RI		216	263	310	359 (1)	408 (4)
SMSA : NORWALK, CT		277	336 (1)	399 (5)	464 (11)	526 (18)
SMSA : SPRINGFIELD-CHICOPEE-HOLYOKE, MA-CT		216 (13)	267 (18)	321 (27)	375 (33)	425 (41)
SMSA : STAMFORD, CT		290	353 (4)	419 (10)	488 (13)	552 (20)
SMSA : WATERBURY, CT		206	254	301	350	393 (1)
NONSMSA PART : FAIRFIELD	CT	205	254	301	350	393 (1)
NONSMSA PART : HARTFORD	CT	214	264	312	365 (1)	414 (5)
NONSMSA PART : LITCHFIELD	CT	214	264	312	365 (1)	414 (5)
NONSMSA PART : MIDDLESEX	CT	216	263	310	359 (1)	408 (4)
NONSMSA PART : NEW HAVEN	CT	206	254	301	350	393 (1)
NONSMSA PART : NEW LONDON	CT	183	223	263	304	343
NONSMSA PART : TOLLAND	CT	249	302	355 (2)	413 (5)	468 (12)
COUNTY : WINDHAM	CT	198	245	290	337	381 (1)
REGION - 2 BUFFALO, NEW YORK AREA OFFICE						
SMSA : ALBANY-SCHENECTADY-TROY, NY		205	252 (2)	300 (6)	350 (9)	398 (11)
SMSA : BINGHAMTON, NY-PA		186	217	256	308	352
SMSA : GLENS FALLS, NY		150	186	222	260	294
SMSA : SYRACUSE, NY		192	237	277	324	365
SMSA : UTICA-ROME, NY		157	193	230	267	302
COUNTY : CAYUGA	NY	186	230	271	314	353
COUNTY : CHENANGO	NY	201	224	276	313	349
COUNTY : CLINTON	NY	190	222	262	298	327
COUNTY : COLUMBIA	NY	153	192	228	264	300
COUNTY : CORTLAND	NY	186	230	271	314	353
COUNTY : DELAWARE	NY	161	197	235	272	307
COUNTY : ESSEX	NY	188	219	255	297	325
COUNTY : FRANKLIN	NY	167	201	232	262	290
COUNTY : FULTON	NY	150	186	222	260	294
COUNTY : GREENE	NY	153	192	228	264	300
COUNTY : HAMILTON	NY	150	186	222	260	294
COUNTY : JEFFERSON	NY	176	207	247	272	303
COUNTY : LEWIS	NY	167	201	232	262	290
COUNTY : OTSEGO	NY	161	197	235	272	307
COUNTY : ST LAWRENCE	NY	179	210	255	284	316
COUNTY : SCHOHARIE	NY	186	217	258	293	322
COUNTY : TOMPKINS	NY	192	244	294	348	391 (2)

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 2 BUFFALO, NEW YORK AREA OFFICE						
SMSA : BUFFALO, NY		184	246	277 (2)	306 (5)	361 (8)
SMSA : ELMIRA, NY		197	230	285	329	371 (1)
SMSA : ROCHESTER, NY		228	276	323	371	418
COUNTY : ALLEGANY	NY	140	177	209	247	277
COUNTY : CATTARAUGUS	NY	140	177	209	247	277
COUNTY : CHAUTAUQUA	NY	153	192	243	276	310
COUNTY : GENESEE	NY	170	195	232	247	277
COUNTY : SCHUYLER	NY	184	221	267	287	338
COUNTY : SENECA	NY	217	254	301	338	374 (2)
COUNTY : STEUBEN	NY	184	213	257	299	336
COUNTY : WYOMING	NY	140	177	209	247	277
COUNTY : YATES	NY	186	230	271	314	353
REGION 2 NEW YORK, NEW YORK AREA OFFICE						
SMSA : NASSAU-SUFFOLK, NY		313 (7)	388 (12)	455 (20)	528 (26)	599 (33)
SMSA : NEW YORK CITY, NY-NJ		280 (33)	341 (42)	407 (55)	471 (67)	535 (78)
SMSA : NEWBURGH-MIDDLETOWN, NY		220	266	317	355 (1)	393 (1)
SMSA : POUGHKEEPSIE, NY		232	266	302	353 (1)	400 (4)
COUNTY : SULLIVAN	NY	204	247	292	339	382 (1)
COUNTY : ULSTER	NY	204	247	292	339	382 (1)
REGION - 2 NEWARK, NEW JERSEY AREA OFFICE						
SMSA : ATLANTIC CITY, NJ		214	257	302	350	394 (1)
SMSA : PHILADELPHIA, PA-NJ		241 (1)	295 (5)	352 (11)	412 (16)	467 (23)
SMSA : TRENTON, NJ		217	264	310	360	410 (4)
SMSA : VINELAND-MILLVILLE-BRIDGETON, NJ		217	265	312	362 (1)	411 (4)
SMSA : WILMINGTON, DE-NJ-MD		248	298	349	403 (5)	455 (9)
COUNTY : CAPE MAY	NJ	214	257	302	345	387 (2)
COUNTY : OCEAN	NJ	263	320	379 (4)	440 (8)	500 (14)
SMSA : ALLENTOWN-BETHLEHEM EASTON, PA-NJ		231 (8)	277 (12)	324 (17)	367 (21)	407 (25)
SMSA : JERSEY CITY, NJ		208	256 (2)	306 (4)	357 (8)	405 (11)
SMSA : LONG BRANCH-ASBURY PARK, NJ		253	307	364 (3)	423 (7)	480 (12)
SMSA : NEW BRUNSWICK-PERTH AMBOY-SAYREVILLE, NJ		261 (3)	320 (6)	378 (10)	437 (15)	495 (19)
SMSA : NEW YORK CITY, NY-NJ		280 (33)	341 (42)	407 (55)	471 (67)	535 (78)
SMSA : NEWARK, NJ		272 (22)	305 (26)	366 (34)	409 (40)	452 (47)
SMSA : PATERSON-CLIFTON-PASSAIC, NJ		263 (7)	322 (11)	382 (18)	444 (23)	504 (31)
COUNTY : HUNTERDON	NJ	263	320	379 (4)	440 (8)	500 (14)
COUNTY : SUSSEX	NJ	287	347 (1)	408 (7)	469 (13)	530 (17)
REGION - 2 CARIBBEAN AREA OFFICE						
SMSA : ARECIBO, PR.		260	317 (1)	374 (7)	431 (12)	489 (16)

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)			0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 2 CARIBBEAN AREA OFFICE							
SMSA	:	CAGUAS	179	215	254	292	326
SMSA	:	MAYAGUEZ	217	262	308	355 (4)	400 (7)
SMSA	:	PONCE	264	320 (1)	378 (7)	436 (11)	492 (17)
SMSA	:	SAN JUAN	260	317 (1)	374 (7)	431 (12)	489 (16)
MUNICIPIO	:	ALL OTHER PR	169	206	244	277	312
	:	ST. CROIX VI	242	290	343 (2)	395 (6)	446 (11)
	:	ST. THOMAS VI	271	329 (3)	390 (7)	448 (13)	506 (20)
	:	-CHAR.AMALIE VI	291	354 (6)	418 (10)	483 (19)	547 (24)
REGION - 3 BALTIMORE, MARYLAND AREA OFFICE							
SMSA	:	BALTIMORE, MD	257	305	358	420 (2)	485 (6)
	:	-COLUMBIA(U) MD	316	363	413	483	555
SMSA	:	CUMBERLAND, MD-WV	181	219	258	297	335
SMSA	:	HAGERSTOWN, MD	205	252	295	337	381 (4)
SMSA	:	WASHINGTON, DC-MD-VA	272	327	382	435	488
SMSA	:	WILMINGTON, DE-NJ-MD	246	296	348 (2)	403 (8)	455 (13)
COUNTY	:	CALVERT MD	235	285	335 (2)	387 (6)	436 (11)
COUNTY	:	CAROLINE MD	212	256	301	345 (1)	392 (4)
COUNTY	:	DORCHESTER MD	212	256	301	345 (1)	392 (4)
COUNTY	:	FREDERICK MD	244	286	335 (2)	395 (6)	455 (13)
COUNTY	:	GARRETT MD	159	194	230	261	295
COUNTY	:	KENT MD	212	256	301	345 (1)	392 (4)
COUNTY	:	QUEEN ANNES MD	212	256	301	345 (1)	392 (4)
COUNTY	:	ST MARYS MD	205	252	295	337	381 (4)
COUNTY	:	SOMERSET MD	212	256	301	345 (1)	392 (4)
COUNTY	:	TALBOT MD	212	256	301	345 (1)	392 (4)
COUNTY	:	WICOMICO MD	212	256	301	345 (1)	392 (4)
COUNTY	:	WORCESTER MD	212	256	301	345 (1)	392 (4)
REGION - 3 PHILADELPHIA, PENNSYLVANIA AREA OFFICE							
SMSA	:	ALLENTOWN-BETHLEHEM-EASTON, PA-NJ	231 (8)	277 (12)	324 (17)	367 (21)	407 (25)
SMSA	:	BINGHAMTON, NY-PA	186	217	256	308	352
SMSA	:	HARRISBURG, PA	233	271	322	378 (3)	417 (6)
SMSA	:	LANCASTER, PA	205	251	306	363 (1)	398 (2)
SMSA	:	NORTHEAST, PA	175 (4)	210 (5)	250 (9)	285 (10)	320 (12)
SMSA	:	PHILADELPHIA, PA-NJ	241 (1)	295 (5)	352 (11)	412 (16)	467 (23)
SMSA	:	READING, PA	192	221	275	316	356
SMSA	:	STATE COLLEGE, PA	179	217	257	292	324

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)			0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 3 PHILADELPHIA, PENNSYLVANIA AREA OFFICE							
SMSA	:	WILLIAMSPORT, PA	149	186	221	257	292
SMSA	:	YORK, PA	204	246	291	362 (1)	411 (4)
COUNTY	:	BRADFORD PA	192	226	261	314	351
COUNTY	:	CLINTON PA	179	217	257	292	324
COUNTY	:	COLUMBIA PA	197	232	277	310	348
COUNTY	:	FRANKLIN PA	179	217	257	292	324
COUNTY	:	JUNIATA PA	156	201	241	270	305
COUNTY	:	LEBANON PA	183	212	256	298	329
COUNTY	:	MIFFLIN PA	156	201	241	270	305
COUNTY	:	MONTOUR PA	170	210	253	280	310
COUNTY	:	NORTHUMBRLND PA	179	210	253	283	316
COUNTY	:	PIKE PA	206	240	286	319	355
COUNTY	:	SCHUYLKILL PA	198	234	285	319	353
COUNTY	:	SNYDER PA	156	201	241	270	305
COUNTY	:	SULLIVAN PA	161	201	252	284	307
COUNTY	:	TIOGA PA	192	226	261	314	351
COUNTY	:	UNION PA	192	232	284	303	349
COUNTY	:	WAYNE PA	175	202	239	261	290
COUNTY	:	WYOMING PA	175	207	247	315	351
SMSA	:	WILMINGTON, DE-NJ-MD	246	296	348 (2)	403 (8)	455 (13)
COUNTY	:	KENT DE	195	235	276	315	356 (3)
COUNTY	:	SUSSEX DE	195	235	276	315	356 (3)
REGION - 3 PITTSBURGH, PENNSYLVANIA AREA OFFICE							
SMSA	:	CHARLESTON, WV	215	259	302	347 (1)	393 (4)
SMSA	:	CUMBERLAND, MD-WV	181	219	258	297	335
SMSA	:	HUNTINGTON-ASHLAND, WV-KY-OH	205	245	286	327	369 (4)
SMSA	:	PARKERSBURG-MARIETTA, WV-OH	201	243	282	322 (1)	364 (3)
SMSA	:	STEUBENVILLE-WEIRTON, OH-WV	200	242	281	321 (1)	363 (3)
SMSA	:	WHEELING, WV-OH	203	244	283	323 (1)	365 (3)
COUNTY	:	BARBOUR WV	206	250	290	331 (1)	374 (5)
COUNTY	:	BERKELEY WV	206	250	290	331 (1)	374 (5)
COUNTY	:	BOONE WV	184	222	257	295	330
COUNTY	:	BRAXTON WV	184	222	257	295	330
COUNTY	:	CALHOUN WV	184	222	257	295	330
COUNTY	:	CLAY WV	184	222	257	295	330
COUNTY	:	DODDRIDGE WV	206	250	290	331 (1)	374 (5)
COUNTY	:	FAYETTE WV	184	222	257	295	330
COUNTY	:	GILMER WV	184	222	257	295	330
COUNTY	:	GRANT WV	206	250	290	331 (1)	374 (5)
COUNTY	:	GREENBRIER WV	184	222	257	295	330

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FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 3 PITTSBURGH, PENNSYLVANIA AREA OFFICE						
COUNTY : HAMPSHIRE	WV	206	250	290	331 (1)	374 (5)
COUNTY : HARDY	WV	206	250	290	331 (1)	374 (5)
COUNTY : HARRISON	WV	206	250	290	331 (1)	374 (5)
COUNTY : JACKSON	WV	184	222	257	295	330
COUNTY : JEFFERSON	WV	206	250	290	331 (1)	374 (5)
COUNTY : LEWIS	WV	206	250	290	331 (1)	374 (5)
COUNTY : LINCOLN	WV	184	222	257	295	330
COUNTY : LOGAN	WV	184	222	257	295	330
COUNTY : MCDOWELL	WV	194	232	271	309	349
COUNTY : MARION	WV	206	250	290	331 (1)	374 (5)
COUNTY : MASON	WV	184	222	257	295	330
COUNTY : MERCER	WV	194	232	271	309	349
COUNTY : MINGO	WV	184	222	257	295	330
COUNTY : MONONGALIA	WV	206	250	290	331 (1)	374 (5)
COUNTY : MONROE	WV	184	222	257	295	330
COUNTY : MORGAN	WV	206	250	290	331 (1)	374 (5)
COUNTY : NICHOLAS	WV	184	222	257	295	330
COUNTY : PENDLETON	WV	206	250	290	331 (1)	374 (5)
COUNTY : PLEASANTS	WV	194	235	276	315	355 (3)
COUNTY : POCAHONTAS	WV	184	222	257	295	330
COUNTY : PRESTON	WV	206	250	290	331 (1)	374 (5)
COUNTY : RALEIGH	WV	184	222	257	295	330
COUNTY : RANDOLPH	WV	206	250	290	331 (1)	374 (5)
COUNTY : RITCHIE	WV	194	235	276	315	355 (3)
COUNTY : ROANE	WV	184	222	257	295	330
COUNTY : SUMMERS	WV	184	222	257	295	330
COUNTY : TAYLOR	WV	206	250	290	331 (1)	374 (5)
COUNTY : TUCKER	WV	206	250	290	331 (1)	374 (5)
COUNTY : TYLER	WV	186	224	261	300	336
COUNTY : UPSHUR	WV	206	250	290	331 (1)	374 (5)
COUNTY : WEBSTER	WV	184	222	257	295	330
COUNTY : WETZEL	WV	186	224	261	300	336
COUNTY : WYOMING	WV	184	222	257	295	330
SMSA : ALTOONA, PA		179	218	256	298	334
SMSA : ERIE, PA		192	219	264	307	338
SMSA : JOHNSTOWN, PA		179	211	255	289	322
SMSA : PITTSBURGH, PA		214 (13)	260 (18)	307 (24)	355 (31)	403 (37)
SMSA : SHARON, PA		144	179	212	250	281
COUNTY : ARMSTRONG	PA	137	172	207	242	272
COUNTY : BEDFORD	PA	154	180	217	253	280
COUNTY : BUTLER	PA	185	218	256	288	317
COUNTY : CAMERON	PA	149	186	221	257	292
COUNTY : CLARION	PA	137	172	207	242	272
COUNTY : CLEARFIELD	PA	174	208	248	277	309

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION 3 PITTSBURGH, PENNSYLVANIA AREA OFFICE						
COUNTY : CRAWFORD	PA	144	179	212	250	281
COUNTY : ELK	PA	149	186	221	257	292
COUNTY : FAYETTE	PA	174	207	255	287	321
COUNTY : FOREST	PA	144	179	212	250	281
COUNTY : FULTON	PA	134	167	201	234	265
COUNTY : GREENE	PA	122	154	186	218	248
COUNTY : HUNTINGDON	PA	134	167	201	234	265
COUNTY : INDIANA	PA	162	200	236	273	305
COUNTY : JEFFERSON	PA	149	186	221	257	292
COUNTY : LAWRENCE	PA	144	179	212	250	281
COUNTY : MCKEAN	PA	164	202	228	263	303
COUNTY : POTTER	PA	164	205	242	277	316
COUNTY : VENANGO	PA	144	179	212	250	281
COUNTY : WARREN	PA	144	179	212	250	281
REGION - 3 RICHMOND, VIRGINIA AREA OFFICE						
SMSA : CHARLOTTESVILLE, VA		248	299	350 (5)	403 (8)	455 (13)
SMSA : DANVILLE, VA		207	251	293	334 (1)	379 (5)
SMSA : JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA		196	236	277	314	354 (3)
SMSA : LYNCHBURG, VA		227	273	319	366 (4)	415 (6)
SMSA : NEWPORT NEWS-HAMPTON, VA		244	291	339	387	434
SMSA : NORFOLK-VIRGINIA BEACH-PORTSMOUTH, VA-NC		248	299	350 (5)	403 (8)	455 (13)
SMSA : PETERSBURG-COLONIAL HEIGHTS-HOPEWELL, VA		219	266	310	357 (4)	405 (6)
SMSA : RICHMOND, VA		231	278	327 (2)	377 (6)	425 (10)
SMSA : ROANOKE, VA		227	273	319	366 (4)	415 (6)
COUNTY : ACCOMACK	VA	195	235	276	315	356 (3)
COUNTY : ALLEGHANY	VA	189	231	269	307	347
COUNTY : AMELIA	VA	219	266	310	357 (4)	405 (6)
COUNTY : AUGUSTA	VA	182	221	257	297	333
COUNTY : BATH	VA	182	221	257	297	333
COUNTY : BEDFORD	VA	227	273	319	366 (4)	415 (6)
COUNTY : BLAND	VA	150	186	219	252	282
COUNTY : BRUNSWICK	VA	219	266	310	357 (4)	405 (6)
COUNTY : BUCHANAN	VA	150	186	219	252	282
COUNTY : BUCKINGHAM	VA	219	266	310	357 (4)	405 (6)
COUNTY : CAROLINE	VA	219	266	310	357 (4)	405 (6)
COUNTY : CARROLL	VA	168	206	242	277	310
COUNTY : CHARLOTTE	VA	227	273	319	366 (4)	415 (6)
COUNTY : CLARKE	VA	182	221	257	297	333
COUNTY : CULPEPER	VA	189	231	277	311	348
COUNTY : CUMBERLAND	VA	219	266	310	357 (4)	405 (6)
COUNTY : DICKENSON	VA	184	203	241	265	328
COUNTY : ESSEX	VA	219	266	310	357 (4)	405 (6)

SCHEDULF B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 3 RICHMOND, VIRGINIA AREA OFFICE						
COUNTY : FAUQUIER	VA	214	257	300	345 (1)	390 (5)
COUNTY : FLOYD	VA	227	273	319	366 (4)	415 (6)
COUNTY : FRANKLIN	VA	166	203	236	273	304
COUNTY : FREDERICK	VA	182	221	257	297	333
COUNTY : GILES	VA	189	231	269	307	347
COUNTY : GRAYSON	VA	168	206	242	277	310
COUNTY : GREENSVILLE	VA	219	266	310	357 (4)	405 (6)
COUNTY : HALIFAX	VA	227	273	319	366 (4)	415 (6)
COUNTY : HENRY	VA	227	273	319	366 (4)	415 (6)
COUNTY : HIGHLAND	VA	182	221	257	297	333
COUNTY : ISLE OFWIGHT	VA	166	203	236	273	304
COUNTY : KING + QUEEN	VA	219	266	310	357 (4)	405 (6)
COUNTY : KING GEORGE	VA	232	277	325 (2)	374 (5)	423 (10)
COUNTY : KING WILLIAM	VA	219	266	310	357 (4)	405 (6)
COUNTY : LANCASTER	VA	219	266	310	357 (4)	405 (6)
COUNTY : LEE	VA	153	186	219	252	282
COUNTY : LOUISA	VA	219	266	310	357 (4)	405 (6)
COUNTY : LUNENBURG	VA	219	266	310	357 (4)	405 (6)
COUNTY : MADISON	VA	219	266	310	357 (4)	405 (6)
COUNTY : MATHEWS	VA	166	203	236	273	304
COUNTY : MECKLENBURG	VA	219	266	310	357 (4)	405 (6)
COUNTY : MIDDLESEX	VA	166	203	236	273	304
COUNTY : MONTGOMERY	VA	227	273	319	366 (4)	415 (6)
COUNTY : NELSON	VA	207	251	293	334 (1)	379 (5)
COUNTY : NORTHAMPTON	VA	195	235	276	315	356 (3)
COUNTY : NORTHUMBERLD	VA	219	266	310	357 (4)	405 (6)
COUNTY : NOTTOWAY	VA	219	266	310	357 (4)	405 (6)
COUNTY : ORANGE	VA	219	266	310	357 (4)	405 (6)
COUNTY : PAGE	VA	182	221	257	297	333
COUNTY : PATRICK	VA	227	273	319	366 (4)	415 (6)
COUNTY : PRINCEEDWARD	VA	219	266	310	357 (4)	405 (6)
COUNTY : PULASKI	VA	227	273	319	366 (4)	415 (6)
COUNTY : RAPPAHANNOCK	VA	189	231	269	307	347
COUNTY : RICHMOND	VA	231	278	327 (2)	377 (6)	425 (10)
COUNTY : ROCKBRIDGE	VA	182	221	257	297	333
COUNTY : ROCKINGHAM	VA	182	221	257	297	333
COUNTY : RUSSELL	VA	196	236	277	314	354 (3)
COUNTY : SHENANDOAH	VA	182	221	257	297	333
COUNTY : SMYTH	VA	153	186	219	252	282
COUNTY : SOUTHAMPTON	VA	166	203	236	273	304
COUNTY : SPOTSLYVANIA	VA	232	277	325 (2)	374 (5)	423 (10)
COUNTY : STAFFORD	VA	232	277	325 (2)	374 (5)	423 (10)
COUNTY : SURRY	VA	166	203	236	273	304
COUNTY : SUSSEX	VA	219	266	310	357 (4)	405 (6)
COUNTY : TAZEWELL	VA	196	236	277	314	354 (3)
COUNTY : WARREN	VA	182	221	257	297	333

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 3 RICHMOND, VIRGINIA AREA OFFICE						
COUNTY : WESTMORELAND	VA	219	266	310	357 (4)	405 (6)
COUNTY : WISE	VA	196	236	277	314	354 (3)
COUNTY : WYTHE	VA	189	231	269	307	347
INDEP. CITY : BEDFORD	VA	227	273	319	366 (4)	415 (6)
INDEP. CITY : BUENA VISTA	VA	182	221	257	297	333
INDEP. CITY : CLIFTON FORG	VA	189	231	269	307	347
INDEP. CITY : COVINGTON	VA	189	231	269	307	347
INDEP. CITY : EMPORIA	VA	219	266	310	357 (4)	405 (6)
INDEP. CITY : FRANKLIN	VA	189	231	269	307	347
INDEP. CITY . FREDERICKBUR	VA	232	277	325 (2)	374 (5)	423 (10)
INDEP. CITY : GALAX	VA	168	206	242	277	310
INDEP. CITY : HARRISONBURG	VA	182	221	257	297	333
INDEP. CITY : LEXINGTON	VA	182	221	257	297	333
INDEP. CITY : MARTINSVILLE	VA	227	273	319	366 (4)	415 (6)
INDEP. CITY : NORTON	VA	196	236	277	314	354 (3)
INDEP. CITY : RADFORD	VA	227	273	319	366 (4)	415 (6)
INDEP. CITY : SOUTH BOSTON	VA	227	273	319	366 (4)	415 (6)
INDEP. CITY : STAUNTON	VA	204	246	287	331 (1)	388 (5)
INDEP CITY : WAYNESBORO	VA	182	221	257	297	333
INDEP. CITY : WINCHESTER	VA	182	221	257	297	333
REGION - 3 WASHINGTON, D.C. AREA OFFICE						
SMSA : WASHINGTON, DC-MD-VA		272	327	382	435	488
REGION 4 ATLANTA, GEORGIA AREA OFFICE						
SMSA : ALBANY, GA		166	203	236	273	304
SMSA : ATHENS, GA.		186	227	267	305	346
SMSA : ATLANTA, GA		242	293	340	387	434
SMSA : AUGUSTA, GA-SC		212	256	301	345 (1)	392 (4)
SMSA : CHATTANOOGA, TN-GA		188	230	270	307	348
SMSA : COLUMBUS, GA-AL		183	222	260	299	336
SMSA : MACON, GA		166	203	236	273	304
SMSA : SAVANNAH, GA		232	252	284	326 (1)	367 (3)
COUNTY : APPLING	GA	168	206	242	277	310
COUNTY : ATKINSON	GA	153	187	221	255	283
COUNTY : BACON	GA	168	206	242	277	310

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 4 ATLANTA, GEORGIA AREA OFFICE						
COUNTY : BAKER	GA	166	203	236	273	304
COUNTY : BALDWIN	GA	166	203	236	273	304
COUNTY : BANKS	GA	186	227	267	305	346
COUNTY : BARROW	GA	186	227	267	305	346
COUNTY : BARTON	GA	155	192	224	257	289
COUNTY : BEN HILL	GA	166	203	236	273	304
COUNTY : BERRIEN	GA	151	185	215	250	278
COUNTY : BLECKLEY	GA	166	203	236	273	304
COUNTY : BRANTLEY	GA	181	220	257	295	331
COUNTY : BROOKS	GA	151	185	215	250	278
COUNTY : BULLOCH	GA	168	206	242	277	310
COUNTY : BURKE	GA	172	209	248	282	318
COUNTY : CALHOUN	GA	166	203	236	273	304
COUNTY : CAMDEN	GA	181	220	257	295	331
COUNTY : CANDLER	GA	168	206	242	277	310
COUNTY : CARROLL	GA	178	215	255	290	326
COUNTY : CHARLTON	GA	166	202	236	270	302
COUNTY : CHATTOOGA	GA	161	197	232	266	302
COUNTY : CLAY	GA	166	203	236	273	304
COUNTY : CLINCH	GA	151	185	215	250	278
COUNTY : COFFEE	GA	168	206	242	277	310
COUNTY : COLQUITT	GA	151	185	215	250	278
COUNTY : COOK	GA	151	185	215	250	278
COUNTY : COWETA	GA	178	215	255	290	326
COUNTY : CRAWFORD	GA	166	203	236	273	304
COUNTY : CRISP	GA	166	203	236	273	304
COUNTY : DAWSON	GA	155	192	224	257	289
COUNTY : DECATUR	GA	166	203	236	273	304
COUNTY : DODGE	GA	166	203	236	273	304
COUNTY : DOOLY	GA	166	203	236	273	304
COUNTY : EARLY	GA	166	203	236	273	304
COUNTY : ECHOLS	GA	151	185	215	250	278
COUNTY : ELBERT	GA	186	227	267	305	346
COUNTY : EMANUEL	GA	172	209	248	282	318
COUNTY : EVANS	GA	168	206	242	277	310
COUNTY : FANNIN	GA	155	192	224	257	289
COUNTY : FLOYD	GA	155	192	224	257	289
COUNTY : FRANKLIN	GA	171	207	245	279	316
COUNTY : GILMER	GA	155	192	224	257	289
COUNTY : GLASCOCK	GA	172	209	248	282	318
COUNTY : GLYNN	GA	197	240	279	321 (1)	363 (3)
COUNTY : GORDON	GA	161	197	232	266	302
COUNTY : GRADY	GA	166	203	236	273	304
COUNTY : GREENE	GA	171	207	245	279	316
COUNTY : HABERSHAM	GA	155	192	224	257	289
COUNTY : HALL	GA	186	227	267	305	346

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION 4 ATLANTA, GEORGIA AREA OFFICE						
COUNTY : HANCOCK	GA	166	203	236	273	304
COUNTY : HARALSON	GA	155	192	224	257	289
COUNTY : HARRIS	GA	168	205	239	274	307
COUNTY : HART	GA	180	217	267	294	329
COUNTY : HEARD	GA	183	222	260	299	336
COUNTY : IRWIN	GA	166	203	236	273	304
COUNTY : JASPER	GA	166	203	236	273	304
COUNTY : JEFF DAVIS	GA	168	206	242	277	310
COUNTY : JEFFERSON	GA	188	230	270	307	348
COUNTY : JENKINS	GA	172	209	248	282	318
COUNTY : JOHNSON	GA	166	203	236	273	304
COUNTY : LAMAR	GA	178	215	255	290	326
COUNTY : LANIER	GA	151	185	215	250	278
COUNTY : LAURENS	GA	166	203	236	273	304
COUNTY : LIBERTY	GA	168	206	242	277	310
COUNTY : LINCOLN	GA	172	209	248	282	318
COUNTY : LONG	GA	168	206	242	277	310
COUNTY : LOWNDES	GA	166	203	236	273	304
COUNTY : LUMPKIN	GA	155	192	224	257	289
COUNTY : MCDUFFIE	GA	188	230	270	307	348
COUNTY : MCINTOSH	GA	181	220	257	295	331
COUNTY : MACON	GA	166	203	236	273	304
COUNTY : MARION	GA	168	205	239	274	307
COUNTY : MERIWETHER	GA	168	205	239	274	307
COUNTY : MILLER	GA	166	203	236	273	304
COUNTY : MITCHELL	GA	166	203	236	273	304
COUNTY : MONROE	GA	166	203	236	273	304
COUNTY : MONTGOMERY	GA	168	206	242	277	310
COUNTY : MORGAN	GA	171	207	245	279	316
COUNTY : MURRAY	GA	161	197	232	266	302
COUNTY : OGLETHORPE	GA	171	207	245	279	316
COUNTY : PEACH	GA	166	203	236	273	304
COUNTY : PICKENS	GA	155	192	224	257	289
COUNTY : PIERCE	GA	181	220	257	295	331
COUNTY : PIKE	GA	178	215	255	290	326
COUNTY : POLK	GA	155	192	224	257	289
COUNTY : PULASKI	GA	166	203	236	273	304
COUNTY : PUTNAM	GA	166	203	236	273	304
COUNTY : QUITMAN	GA	183	222	260	299	336
COUNTY : RABUN	GA	155	192	224	257	289
COUNTY : RANDOLPH	GA	166	203	236	273	304
COUNTY : SCHLEY	GA	168	205	239	274	307
COUNTY : SCREVEN	GA	168	206	242	277	310
COUNTY : SEMINOLE	GA	166	203	236	273	304
COUNTY : SPALDING	GA	178	215	255	290	326
COUNTY : STEPHENS	GA	171	207	245	279	316

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 4 ATLANTA, GEORGIA AREA OFFICE						
COUNTY : STEWART	GA	168	205	239	274	307
COUNTY : SUMTER	GA	200	243	284	326 (1)	368 (4)
COUNTY : TALBOT	GA	183	222	260	299	336
COUNTY : TALIAFERRO	GA	172	209	248	282	318
COUNTY : TATTNALL	GA	168	206	242	277	310
COUNTY : TAYLOR	GA	166	203	236	273	304
COUNTY : TELFAIR	GA	166	203	236	273	304
COUNTY : TERRELL	GA	166	203	236	273	304
COUNTY : THOMAS	GA	166	203	236	273	304
COUNTY : TIFT	GA	166	203	236	273	304
COUNTY : TOOMBS	GA	168	206	242	277	310
COUNTY : TOWNS	GA	155	192	224	257	289
COUNTY : TREUTLEN	GA	166	203	236	273	304
COUNTY : TROUP	GA	183	222	260	299	336
COUNTY : TURNER	GA	166	203	236	273	304
COUNTY : UNION	GA	155	192	224	257	289
COUNTY : UPSON	GA	162	197	232	265	299
COUNTY : WARE	GA	181	220	257	295	331
COUNTY : WARREN	GA	172	209	248	282	318
COUNTY : WASHINGTON	GA	166	203	236	273	304
COUNTY : WAYNE	GA	168	206	242	277	310
COUNTY : WEBSTER	GA	168	205	239	274	307
COUNTY : WHEELER	GA	166	203	236	273	304
COUNTY : WHITE	GA	155	192	224	257	289
COUNTY : WHITFIELD	GA	161	197	232	266	302
COUNTY : WILCOX	GA	166	203	236	273	304
COUNTY : WILKES	GA	172	209	248	282	318
COUNTY : WILKINSON	GA	166	203	236	273	304
COUNTY : WORTH	GA	166	203	236	273	304
REGION - 4 BIRMINGHAM, ALABAMA AREA OFFICE						
SMSA : ANNISTON, AL		144	179	209	243	271
SMSA : BIRMINGHAM, AL		195	238	280 (2)	323 (6)	365 (8)
SMSA : COLUMBUS, GA-AL		183	222	260	299	336
SMSA : FLORENCE, AL		189	232	275	310	350 (2)
SMSA : GADSDEN, AL		144	179	209	243	271
SMSA : HUNTSVILLE, AL		197	240	280	321 (1)	363 (3)
SMSA : MOBILE, AL		160	195	232	264	299
SMSA : MONTGOMERY, AL		159	194	230	261	295
SMSA : TUSCALOOSA, AL		186	227	267	305	346
COUNTY : BARBOUR	AL	181	220	257	295	331
COUNTY : BIBB	AL	186	227	267	305	346
COUNTY : BLOUNT	AL	144	179	209	243	271

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 4 BIRMINGHAM, ALABAMA AREA OFFICE						
COUNTY : BULLOCK	AL	159	194	230	261	295
COUNTY : BUTLER	AL	181	220	257	295	331
COUNTY : CHAMBERS	AL	183	222	260	299	336
COUNTY : CHEROKEE	AL	144	179	209	243	271
COUNTY : CHILTON	AL	186	227	267	305	346
COUNTY : CHOCTAN	AL	183	222	260	299	336
COUNTY : CLARKE	AL	171	209	247	283	319
COUNTY : CLAY	AL	144	179	209	243	271
COUNTY : CLEBURNE	AL	155	192	224	257	289
COUNTY : COFFEE	AL	181	220	257	295	331
COUNTY : CONECUH	AL	171	209	247	283	319
COUNTY : COOSA	AL	159	194	230	261	295
COUNTY : COVINGTON	AL	181	220	257	295	331
COUNTY : CRENSHAW	AL	181	220	257	295	331
COUNTY : CULLMAN	AL	144	179	209	243	271
COUNTY : DALE	AL	181	220	257	295	331
COUNTY : DALLAS	AL	159	194	230	261	295
COUNTY : DE KALB	AL	161	197	232	266	302
COUNTY : ESCAMBIA	AL	190	232	270	309	349
COUNTY : FAYETTE	AL	186	227	267	305	346
COUNTY : FRANKLIN	AL	156	193	228	259	294
COUNTY : GENEVA	AL	181	220	257	295	331
COUNTY : GREENE	AL	186	227	267	305	346
COUNTY : HALE	AL	186	227	267	305	346
COUNTY : HENRY	AL	181	220	257	295	331
COUNTY : HOUSTON	AL	181	220	257	295	331
COUNTY : JACKSON	AL	161	197	232	266	302
COUNTY : LAMAR	AL	186	227	267	305	346
COUNTY : LAWRENCE	AL	156	193	228	259	294
COUNTY : LEE	AL	183	222	260	299	336
COUNTY : LOWNDES	AL	159	194	230	261	295
COUNTY : MACON	AL	159	194	230	261	295
COUNTY : MARENGO	AL	183	222	260	299	336
COUNTY : MARION	AL	186	227	267	305	346
COUNTY : MONROE	AL	171	209	247	283	319
COUNTY : MORGAN	AL	182	220	257	295	330
COUNTY : PERRY	AL	159	194	230	261	295
COUNTY : PICKENS	AL	186	227	267	305	346
COUNTY : PIKE	AL	181	220	257	295	331
COUNTY : RANDOLPH	AL	183	222	260	299	336
COUNTY : SUMTER	AL	183	222	260	299	336
COUNTY : TALLADEGA	AL	168	206	241	276	311
COUNTY : TALLAPOOSA	AL	159	194	230	261	295
COUNTY : WASHINGTON	AL	171	209	247	283	319
COUNTY : WILCOX	AL	171	209	247	283	319
COUNTY : WINSTON	AL	186	227	267	305	346
REGION - 4 COLUMBIA, SOUTH CAROLINA AREA AFFICE						
SMSA : ANDERSON, SC.		159	194	230	261	295

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 4 COLUMBIA, SOUTH CAROLINA AREA AFFICE						
SMSA : AUGUSTA, GA-SC		212	256	301	345 (1)	392 (4)
SMSA : CHARLESTON, SC		218	266	310	359 (3)	405 (6)
SMSA : COLUMBIA, SC		212	256	301	345 (1)	392 (4)
SMSA : FLORENCE, SC		169	206	244	277	313
SMSA : GREENVILLE-SPARTANBURG, SC		182	221	257	297	333
SMSA : ROCK HILL, SC		171	209	247	283	319
COUNTY : ABBEVILLE	SC	159	194	230	261	295
COUNTY : ALLENDALE	SC	188	230	270	307	348
COUNTY : BAMBERG	SC	188	230	270	307	348
COUNTY : BARNWELL	SC	188	230	270	307	348
COUNTY : BEAUFORT	SC	188	230	270	307	348
COUNTY : CALHOUN	SC	170	207	246	280	316
COUNTY : CHEROKEE	SC	181	218	255	295	328
COUNTY : CHESTER	SC	171	209	247	283	319
COUNTY : CHESTERFIELD	SC	169	206	244	277	313
COUNTY : CLARENDON	SC	170	207	246	280	316
COUNTY : COLLETON	SC	188	230	270	307	348
COUNTY : DARLINGTON	SC	169	206	244	277	313
COUNTY : DILLON	SC	169	206	244	277	313
COUNTY : EDGEFIELD	SC	188	230	270	307	348
COUNTY : FAIRFIELD	SC	170	207	246	280	316
COUNTY : GEORGETOWN	SC	169	206	244	277	313
COUNTY : GREENWOOD	SC	159	194	230	261	295
COUNTY : HAMPTON	SC	188	230	270	307	348
COUNTY : HORRY	SC	188	228	267	303	343
COUNTY : JASPER	SC	168	206	242	277	310
COUNTY : KERSHAW	SC	170	207	246	280	316
COUNTY : LANCASTER	SC	171	209	247	283	319
COUNTY : LAURENS	SC	159	194	230	261	295
COUNTY : LEE	SC	170	207	246	280	316
COUNTY : MCCORMICK	SC	188	230	270	307	348
COUNTY : MARION	SC	169	206	244	277	313
COUNTY : MARLBORO	SC	169	206	244	277	313
COUNTY : NEWBERRY	SC	170	207	246	280	316
COUNTY : OCONEE	SC	181	218	255	295	328
COUNTY : ORANGEBURG	SC	188	228	267	303	343
COUNTY : SALUDA	SC	188	230	270	307	348
COUNTY : SUMTER	SC	170	207	246	280	316
COUNTY : UNION	SC	159	209	247	283	319
COUNTY : WILLIAMSBURG	SC	169	206	244	277	313
REGION - 4 GREENSBORO, NORTH CAROLINA AREA OFFICE						
SMSA : ASHEVILLE, NC		170	207	246	280	316

SCHEDULE B FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 4 GREENSBORO, NORTH CAROLINA AREA OFFICE						
SMSA : BURLINGTON, NC		196	239	278	320	361 (2)
SMSA : CHARLOTTE-GASTONIA, NC		235	284	333 (2)	386 (6)	435 (10)
SMSA : FAYETTEVILLE, NC		199	241	281	321 (1)	363 (3)
SMSA : GREENSBORO--WINSTON-SALEM--HIGH POINT, NC		196	239	278	320	361 (2)
SMSA : HICKORY, NC		179	217	255	294	327
SMSA : JACKSONVILLE, NC		183	222	260	299	336
SMSA : NORFOLK-VIRGINIA BEACH-PORTSMOUTH, VA-NC		248	299	350 (5)	403 (8)	455 (13)
SMSA : RALEIGH-DURHAM, NC		218	264	312	356	399
SMSA : SALISBURY-CONCORD, NC		160	195	232	264	299
SMSA : WILMINGTON, NC		183	222	260	299	336
COUNTY : ALLEGHANY	NC	179	217	255	294	327
COUNTY : ANSON	NC	181	218	255	294	328
COUNTY : ASHE	NC	179	217	255	294	327
COUNTY : AVERY	NC	179	217	255	294	327
COUNTY : BEAUFORT	NC	193	232	271	311	350 (2)
COUNTY : BERTIE	NC	166	203	236	273	304
COUNTY : BLADEN	NC	199	241	281	321 (1)	363 (3)
COUNTY : BURKE	NC	179	217	255	294	327
COUNTY : CALDWELL	NC	179	217	255	294	327
COUNTY : CAMDEN	NC	193	232	271	311	350 (2)
COUNTY : CARTERET	NC	168	205	239	274	307
COUNTY : CASWELL	NC	207	251	293	334 (1)	379 (5)
COUNTY : CHATHAM	NC	199	241	281	321 (1)	363 (3)
COUNTY : CHEROKEE	NC	170	207	246	280	316
COUNTY : CHOWAN	NC	193	232	271	311	350 (2)
COUNTY : CLAY	NC	170	207	246	280	316
COUNTY : CLEVELAND	NC	179	217	255	294	327
COUNTY : COLUMBUS	NC	183	222	260	299	336
COUNTY : CRAVEN	NC	168	205	239	274	307
COUNTY : DARE	NC	193	232	271	311	350 (2)
COUNTY : DAVIE	NC	196	239	278	320	361 (2)
COUNTY : DUPLIN	NC	183	222	260	299	336
COUNTY : EDGECOMBE	NC	166	203	236	273	304
COUNTY : FRANKLIN	NC	166	203	236	273	304
COUNTY : GATES	NC	193	232	271	311	350 (2)
COUNTY : GRAHAM	NC	170	207	246	280	316
COUNTY : GRANVILLE	NC	166	203	236	273	304
COUNTY : GREENE	NC	193	232	271	311	350 (2)
COUNTY : HALIFAX	NC	166	203	236	273	304
COUNTY : HARNETT	NC	199	241	281	321 (1)	363 (3)
COUNTY : HAYWOOD	NC	170	207	246	280	316
COUNTY : HENDERSON	NC	170	207	246	280	316
COUNTY : HERTFORD	NC	166	203	236	273	304
COUNTY : HOKE	NC	199	241	281	321 (1)	363 (3)
COUNTY : HYDE	NC	193	232	271	311	350 (2)
COUNTY : IREDELL	NC	160	195	232	264	299

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 4 GREENSBORO, NORTH CAROLINA AREA OFFICE						
COUNTY : JACKSON	NC	170	207	246	280	316
COUNTY : JOHNSTON	NC	208	252	297	341 (1)	385 (5)
COUNTY : JONES	NC	168	205	239	274	307
COUNTY : LEE	NC	199	241	281	321 (1)	363 (3)
COUNTY : LENOIR	NC	168	205	239	274	307
COUNTY : LINCOLN	NC	171	209	247	283	319
COUNTY : MCDOWELL	NC	179	217	255	294	327
COUNTY : MACON	NC	170	207	246	280	316
COUNTY : MARTIN	NC	193	232	271	311	350 (2)
COUNTY : MITCHELL	NC	179	217	255	294	327
COUNTY : MONTGOMERY	NC	181	218	255	294	328
COUNTY : MOORE	NC	181	218	255	294	328
COUNTY : NASH	NC	166	203	236	273	304
COUNTY : NORTHAMPTON	NC	166	203	236	273	304
COUNTY : PAMLICO	NC	168	205	239	274	307
COUNTY : PASQUOTANK	NC	193	232	271	311	350 (2)
COUNTY : PENDER	NC	183	222	260	299	336
COUNTY : PERQUIMANS	NC	193	232	271	311	350 (2)
COUNTY : PERSON	NC	199	241	281	321 (1)	363 (3)
COUNTY : PITT	NC	193	232	271	311	350 (2)
COUNTY : POLK	NC	179	217	255	294	327
COUNTY : RICHMOND	NC	181	218	255	294	328
COUNTY : ROBESON	NC	199	241	281	321 (1)	363 (3)
COUNTY : ROCKINGHAM	NC	168	206	242	277	310
COUNTY : RUTHERFORD	NC	179	217	255	294	327
COUNTY : SAMPSON	NC	199	241	281	321 (1)	363 (3)
COUNTY : SCOTLAND	NC	160	195	232	264	299
COUNTY : STANLY	NC	160	195	232	264	299
COUNTY : SURRY	NC	196	239	278	320	361 (2)
COUNTY : SWAIN	NC	170	207	246	280	316
COUNTY : TRANSYLVANIA	NC	170	207	246	280	316
COUNTY : TYRRELL	NC	193	232	271	311	350 (2)
COUNTY : VANCE	NC	166	203	236	273	304
COUNTY : WARREN	NC	216	261	307	353 (4)	399 (5)
COUNTY : WASHINGTON	NC	193	232	271	311	350 (2)
COUNTY : WATAUGA	NC	179	217	255	294	327
COUNTY : WAYNE	NC	193	232	271	311	350 (2)
COUNTY : WILKES	NC	179	217	255	294	327
COUNTY : WILSON	NC	166	203	236	273	304
COUNTY : YANCEY	NC	179	217	255	294	327
REGION - 4 JACKSON, MISSISSIPPI AREA OFFICE						
SMSA : BILOXI-GULFPORT, MS		187	230	269	323 (1)	354 (3)

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)			0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 4 JACKSON, MISSISSIPPI AREA OFFICE							
SMSA	: JACKSON, MS		206	253	295	338	382 (4)
SMSA	: MEMPHIS, TN-AR-MS		208	253	296	337	378
SMSA	: PASCAGOULA-MOSS POINT, MS		187	230	269	323 (1)	354 (3)
COUNTY	: ADAMS	MS	168	196	232	283	311
COUNTY	: ALCORN	MS	181	206	245	279	314
COUNTY	: AMITE	MS	168	196	232	283	311
COUNTY	: ATTALA	MS	182	204	242	290	317
COUNTY	: BENTON	MS	167	201	232	265	299
COUNTY	: BOLIVAR	MS	183	199	243	283	313
COUNTY	: CALHOUN	MS	183	222	258	297	355 (3)
COUNTY	: CARROLL	MS	182	204	242	290	317
COUNTY	: CHICKASAW	MS	181	206	245	279	314
COUNTY	: CHOCTAW	MS	159	194	230	261	295
COUNTY	: CLAIBORNE	MS	182	204	242	290	317
COUNTY	: CLARKE	MS	183	222	260	299	336
COUNTY	: CLAY	MS	171	209	247	282	318
COUNTY	: COAHOMA	MS	185	225	263	302	338
COUNTY	: COPIAH	MS	182	204	242	290	317
COUNTY	: COVINGTON	MS	183	222	260	299	336
COUNTY	: FORREST	MS	183	222	260	299	336
COUNTY	: FRANKLIN	MS	168	196	232	283	311
COUNTY	: GEORGE	MS	180	218	254	293	329
COUNTY	: GREENE	MS	180	218	254	293	329
COUNTY	: GRENADA	MS	182	204	242	290	317
COUNTY	: HOLMES	MS	182	204	242	290	317
COUNTY	: HUMPHREYS	MS	183	199	243	283	313
COUNTY	: ISSAQUENA	MS	183	199	243	283	313
COUNTY	: ITAWAMBA	MS	181	206	245	279	314
COUNTY	: JASPER	MS	183	222	260	299	336
COUNTY	: JEFFERSON	MS	168	196	232	283	311
COUNTY	: JEFFERSON DA	MS	168	196	232	283	311
COUNTY	: JONES	MS	183	222	260	299	336
COUNTY	: KEMPER	MS	183	222	260	299	336
COUNTY	: LAFAYETTE	MS	182	218	254	290	326
COUNTY	: LAMAR	MS	183	222	260	299	336
COUNTY	: LAUDERDALE	MS	183	222	260	299	336
COUNTY	: LAWRENCE	MS	168	196	232	283	311
COUNTY	: LEAKE	MS	158	194	230	261	295
COUNTY	: LEE	MS	181	209	247	282	318
COUNTY	: LEFLORE	MS	182	204	242	290	317
COUNTY	: LINCOLN	MS	168	196	232	283	311
COUNTY	: LOWNDES	MS	182	208	248	282	318
COUNTY	: MADISON	MS	182	204	242	290	317
COUNTY	: MARION	MS	158	193	228	259	295
COUNTY	: MARSHALL	MS	182	218	254	290	326
COUNTY	: MONROE	MS	181	206	245	279	322

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 4 JACKSON, MISSISSIPPI AREA OFFICE						
COUNTY : MONTGOMERY	MS	158	194	230	261	295
COUNTY : NESHOBA	MS	183	222	260	299	336
COUNTY : NEWTON	MS	183	222	260	299	336
COUNTY : NOXUBEE	MS	171	209	247	282	318
COUNTY : OKTIBBEHA	MS	181	220	256	295	329
COUNTY : PANOLA	MS	182	218	254	290	326
COUNTY : PEARL RIVER	MS	161	195	234	297	348
COUNTY : PERRY	MS	183	222	260	299	336
COUNTY : PIKE	MS	168	196	232	283	311
COUNTY : PONTOTOC	MS	181	206	245	279	314
COUNTY : PRENTISS	MS	181	206	245	279	314
COUNTY : QUITMAN	MS	182	218	254	290	326
COUNTY : SCOTT	MS	158	194	230	261	295
COUNTY : SHARKEY	MS	183	199	243	283	313
COUNTY : SIMPSON	MS	182	204	242	290	317
COUNTY : SMITH	MS	158	194	230	261	295
COUNTY : SUNFLOWER	MS	183	199	243	283	313
COUNTY : TALLAHATCHIE	MS	158	194	230	261	295
COUNTY : TATE	MS	182	218	254	290	326
COUNTY : TIPPAH	MS	181	206	245	279	314
COUNTY : TISHOMIGO	MS	181	206	245	279	314
COUNTY : TUNICA	MS	182	218	254	290	326
COUNTY : UNION	MS	181	206	245	279	322
COUNTY : WALTHALL	MS	168	196	232	283	311
COUNTY : WARREN	MS	182	204	242	290	317
COUNTY : WASHINGTON	MS	183	199	243	283	313
COUNTY : WAYNE	MS	183	222	260	299	336
COUNTY : WEBSTER	MS	171	209	247	282	318
COUNTY : WILKINSON	MS	160	196	232	264	297
COUNTY : WINSTON	MS	182	208	248	282	318
COUNTY : YALOBUSHA	MS	158	194	230	261	295
COUNTY : YAZOO	MS	182	204	242	290	317
REGION - 1 JACKSONVILLE, FLORIDA AREA OFFICE						
SMSA : FORT LAUDERDALE-HOLLYWOOD, FL		306 (2)	369 (7)	437 (13)	504 (22)	570 (31)
SMSA : FORT MYERS-CAPE CORAL, FL		248	300	354 (5)	408 (9)	462 (13)
SMSA : MIAMI, FL		345	414	483	550	618
SMSA : WEST PALM BEACH-BOCA RATON, FL		276	334 (3)	394 (7)	455 (15)	514 (23)
COUNTY : CHARLOTTE	FL	248	300	354 (5)	408 (9)	462 (13)
COUNTY : COLLIER	FL	234	284	333 (2)	384 (5)	435 (10)
COUNTY : GLADES	FL	198	242	283	324 (1)	367 (3)
COUNTY : HENDRY	FL	198	242	283	324 (1)	367 (3)
COUNTY : MARTIN	FL	198	242	283	324 (1)	367 (3)

SCHEDULE B FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)			0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION 4 JACKSONVILLE, FLORIDA AREA OFFICE							
COUNTY	MONROE	FL	198	242	283	324 (1)	367 (3)
SMSA	FORT WALTON BEACH, FL		206	253	296	339 (1)	383 (4)
SMSA	GAINESVILLE, FL		198	242	283	324 (1)	367 (3)
SMSA	JACKSONVILLE, FL		208	252	297	341 (1)	385 (5)
SMSA	OCALA, FL		198	242	283	324 (1)	367 (3)
SMSA	PANAMA CITY, FL		198	242	283	324 (1)	367 (3)
SMSA	PENSACOLA, FL		206	253	296	339 (1)	383 (4)
SMSA	TALLAHASSEE, FL		198	242	283	324 (1)	367 (3)
COUNTY	BRADFORD	FL	181	220	257	295	331
COUNTY	CALHOUN	FL	198	242	283	324 (1)	367 (3)
COUNTY	COLUMBIA	FL	181	220	257	295	331
COUNTY	DIXIE	FL	198	242	283	324 (1)	367 (3)
COUNTY	FLAGLER	FL	190	232	272	309	349
COUNTY	FRANKLIN	FL	198	242	283	324 (1)	367 (3)
COUNTY	GADSDEN	FL	198	242	283	324 (1)	367 (3)
COUNTY	GILCHRIST	FL	198	242	283	324 (1)	367 (3)
COUNTY	GULF	FL	198	242	283	324 (1)	367 (3)
COUNTY	HAMILTON	FL	181	220	257	295	331
COUNTY	HOLMES	FL	198	242	283	324 (1)	367 (3)
COUNTY	JACKSON	FL	198	242	283	324 (1)	367 (3)
COUNTY	JEFFERSON	FL	198	242	283	324 (1)	367 (3)
COUNTY	LAFAYETTE	FL	181	220	257	295	331
COUNTY	LEVY	FL	198	242	283	324 (1)	367 (3)
COUNTY	LIBERTY	FL	198	242	283	324 (1)	367 (3)
COUNTY	MADISON	FL	198	242	283	324 (1)	367 (3)
COUNTY	PUTNAM	FL	198	242	283	324 (1)	367 (3)
COUNTY	SUWANNEE	FL	181	220	257	295	331
COUNTY	TAYLOR	FL	198	242	283	324 (1)	367 (3)
COUNTY	UNION	FL	181	220	257	295	331
COUNTY	WALTON	FL	206	253	296	339 (1)	383 (4)
COUNTY	WASHINGTON	FL	198	242	283	324 (1)	367 (3)
SMSA	DAYTONA BEACH, FL		190	232	272	309	349
SMSA	MELBOURN-TITUSVILLE-COCOA, FL		246	296	348 (2)	403 (8)	455 (13)
SMSA	ORLANDO, FL		270	327	384	436	491
COUNTY	INDIAN RIVER	FL	204	250	306	336 (1)	367 (3)
COUNTY	LAKE	FL	190	232	272	309	349
COUNTY	OKEECHOBEE	FL	198	242	283	324 (1)	367 (3)
COUNTY	ST LUCIE	FL	198	242	283	324 (1)	367 (3)
SMSA	BRADENTON, FL		248	300	354 (5)	408 (9)	462 (13)
SMSA	LAKELAND-WINTER HAVEN, FL		205	252	295	337	381 (4)
SMSA	SARASOTA, FL		248	300	354 (5)	408 (9)	462 (13)
SMSA	TAMPA-ST PETERSBURG, FL		211	255	316	395 (6)	439 (11)
COUNTY	CITRUS	FL	205	252	295	337	381 (4)
COUNTY	DE SOTO	FL	228	276	322 (2)	371 (5)	420 (10)
COUNTY	HARDEE	FL	228	276	322 (2)	371 (5)	420 (10)
COUNTY	HERNANDO	FL	205	252	295	337	381 (4)

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 4 JACKSONVILLE, FLORIDA AREA OFFICE						
COUNTY : HIGHLANDS	FL	198	242	283	324 (1)	367 (3)
COUNTY : SUMTER	FL	190	232	272	309	349
REGION - 4 LOUISVILLE, KENTUCKY AREA OFFICE						
SMSA : CINCINNATI, OH-KY-IN		205 (6)	250 (9)	293 (10)	338 (14)	382 (19)
SMSA : CLARKSVILLE-HOPKINSVILLE, TN-KY		188	230	270	307	348
SMSA : EVANSVILLE, IN-KY		214	240	286	316	352 (3)
SMSA : HUNTINGTON-ASHLAND, WV-KY-OH		205	245	286	327	369 (4)
SMSA : LEXINGTON-FAYETTE , KY		201	244	297	349	405 (6)
SMSA : LOUISVILLE, KY-IN		202	246	288	329	372
SMSA : OWENSBORO, KY		211	254	299	343 (1)	388 (5)
COUNTY : ADAIR	KY	169	206	241	273	302
COUNTY : ALLEN	KY	169	206	241	273	302
COUNTY : ANDERSON	KY	201	244	284	326 (1)	369 (4)
COUNTY : BALLARD	KY	160	195	232	264	299
COUNTY : BARREN	KY	169	206	241	273	302
COUNTY : BATH	KY	201	244	284	326 (1)	369 (4)
COUNTY : BELL	KY	169	206	241	273	302
COUNTY : BOYLE	KY	194	218	262	310	321
COUNTY : BRACKEN	KY	211	254	299	343 (1)	388 (5)
COUNTY : BREATHITT	KY	169	206	241	273	302
COUNTY : BRECKINRIDGE	KY	204	249	291	335 (1)	378 (5)
COUNTY : BUTLER	KY	169	206	241	273	302
COUNTY : CALDWELL	KY	173	211	251	286	320
COUNTY : CALLOWAY	KY	160	195	232	264	299
COUNTY : CARLISLE	KY	160	195	232	264	299
COUNTY : CARROLL	KY	211	254	299	343 (1)	388 (5)
COUNTY : CARTER	KY	194	218	262	310	321
COUNTY : CASEY	KY	138	167	194	224	247
COUNTY : CLAY	KY	169	206	241	273	302
COUNTY : CLINTON	KY	169	206	241	273	302
COUNTY : CRITTENDON	KY	173	211	251	286	320
COUNTY : CUMBERLAND	KY	169	206	241	273	302
COUNTY : EDMONSON	KY	169	206	241	273	302
COUNTY : ELLIOTT	KY	161	195	233	310	335
COUNTY : ESTILL	KY	201	244	284	326 (1)	369 (4)
COUNTY : FLEMING	KY	211	254	299	343 (1)	388 (5)
COUNTY : FLOYD	KY	144	179	209	243	271
COUNTY : FRANKLIN	KY	201	244	284	326 (1)	369 (4)
COUNTY : FULTON	KY	160	195	232	264	299
COUNTY : GALLATIN	KY	211	254	299	343 (1)	388 (5)
COUNTY : GARRARD	KY	138	167	194	224	247
COUNTY : GRANT	KY	211	254	299	343 (1)	388 (5)

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)			0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 4 LOUISVILLE, KENTUCKY AREA OFFICE							
COUNTY	: GRAVES	KY	160	195	232	264	299
COUNTY	: GRAYSON	KY	204	249	291	335 (1)	378 (5)
COUNTY	: GREEN	KY	169	206	241	273	302
COUNTY	: HANCOCK	KY	167	205	251	286	320
COUNTY	: HARDIN	KY	204	249	291	335 (1)	378 (5)
COUNTY	: HARLAN	KY	169	206	241	273	302
COUNTY	: HARRISON	KY	201	244	298	342 (1)	386 (5)
COUNTY	: HART	KY	204	249	291	335 (1)	378 (5)
COUNTY	: HENRY	KY	204	249	291	335 (1)	378 (5)
COUNTY	: HICKMAN	KY	160	195	232	264	299
COUNTY	: HOPKINS	KY	167	205	251	286	320
COUNTY	: JACKSON	KY	169	206	241	273	302
COUNTY	: JOHNSON	KY	144	179	209	243	271
COUNTY	: KNOTT	KY	169	206	241	273	302
COUNTY	: KNOX	KY	169	206	241	273	302
COUNTY	: LARUE	KY	204	249	291	335 (1)	378 (5)
COUNTY	: LAUREL	KY	169	206	241	273	302
COUNTY	: LAWRENCE	KY	161	195	233	310	335
COUNTY	: LEE	KY	169	206	241	273	302
COUNTY	: LESLIE	KY	169	206	241	273	302
COUNTY	: LETCHER	KY	169	206	241	273	302
COUNTY	: LEWIS	KY	211	254	299	343 (1)	388 (5)
COUNTY	: LINCOLN	KY	138	167	194	224	247
COUNTY	: LIVINGSTON	KY	160	195	232	264	299
COUNTY	: LOGAN	KY	173	211	251	286	320
COUNTY	: LYON	KY	173	211	251	286	320
COUNTY	: MCCRACKEN	KY	181	213	252	287	324
COUNTY	: MCCREARY	KY	169	206	241	273	302
COUNTY	: MCLEAN	KY	167	205	251	286	320
COUNTY	: MADISON	KY	201	244	298	342 (1)	386 (5)
COUNTY	: MAGOFFIN	KY	169	206	241	273	302
COUNTY	: MARION	KY	204	249	291	335 (1)	378 (5)
COUNTY	: MARSHALL	KY	181	213	252	287	324
COUNTY	: MARTIN	KY	144	179	209	243	271
COUNTY	: MASON	KY	211	254	299	343 (1)	388 (5)
COUNTY	: MEADE	KY	204	249	291	335 (1)	378 (5)
COUNTY	: MENIFEE	KY	169	206	241	273	302
COUNTY	: MERCER	KY	201	244	284	326 (1)	369 (4)
COUNTY	: METCALFE	KY	169	206	241	273	302
COUNTY	: MONROE	KY	169	206	241	273	302
COUNTY	: MONTGOMERY	KY	201	244	298	342 (1)	386 (5)
COUNTY	: MORGAN	KY	169	206	241	273	302
COUNTY	: MUHLENBERG	KY	167	205	251	286	320
COUNTY	: NELSON	KY	204	249	291	335 (1)	378 (5)
COUNTY	: NICHOLAS	KY	201	244	284	326 (1)	369 (4)
COUNTY	: OHIO	KY	167	205	240	275	307

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 4 LOUISVILLE, KENTUCKY AREA OFFICE						
COUNTY : OWEN	KY	211	254	299	343 (1)	388 (5)
COUNTY : OWSLEY	KY	169	206	241	273	302
COUNTY : PENDLETON	KY	211	254	299	343 (1)	388 (5)
COUNTY : PERRY	KY	169	206	241	273	302
COUNTY : PIKE	KY	169	206	241	273	302
COUNTY : POWELL	KY	169	206	241	283	302
COUNTY : PULASKI	KY	169	206	241	273	302
COUNTY : ROBERTSON	KY	211	254	299	343 (1)	388 (5)
COUNTY : ROCKCASTLE	KY	169	206	241	273	302
COUNTY : ROWAN	KY	144	179	209	243	271
COUNTY : RUSSELL	KY	138	167	194	224	247
COUNTY : SHELBY	KY	204	249	291	335 (1)	378 (5)
COUNTY : SIMPSON	KY	169	206	241	273	302
COUNTY : SPENCER	KY	204	249	291	335 (1)	378 (5)
COUNTY : TAYLOR	KY	169	206	241	273	302
COUNTY : TODD	KY	188	230	270	307	348
COUNTY : TRIGG	KY	188	230	270	307	348
COUNTY : TRIMBLE	KY	204	249	291	335 (1)	378 (5)
COUNTY : UNION	KY	167	205	251	286	320
COUNTY : WARREN	KY	169	206	241	273	302
COUNTY : WASHINGTON	KY	204	249	291	335 (1)	378 (5)
COUNTY : WAYNE	KY	169	206	241	273	302
COUNTY : WEBSTER	KY	167	205	251	286	320
COUNTY : WHITLEY	KY	169	206	241	283	302
COUNTY : WOLFE	KY	138	167	194	224	247
REGION - 4 KNOXVILLE, TENNESSEE AREA OFFICE						
SMSA : CHATTANOOGA, TN-GA		188	230	270	307	348
SMSA : JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA		196	236	277	314	354 (3)
SMSA : KNOXVILLE, TN		188	230	270	348	381 (4)
COUNTY : BLEDSOE	TN	161	197	232	266	302
COUNTY : BRADLEY	TN	161	197	232	266	302
COUNTY : CAMPBELL	TN	150	186	219	252	282
COUNTY : CLAIBORNE	TN	150	186	219	252	282
COUNTY : COCKE	TN	150	186	219	252	282
COUNTY : CUMBERLAND	TN	150	186	219	252	282
COUNTY : FENTRESS	TN	150	186	219	252	282
COUNTY : GRAINGER	TN	150	186	219	252	282
COUNTY : GREENE	TN	186	226	265	303	341
COUNTY : GRUNDY	TN	161	197	232	266	302
COUNTY : HAMBLEN	TN	150	186	219	252	282
COUNTY : HANCOCK	TN	186	226	265	303	341
COUNTY : JEFFERSON	TN	150	186	219	252	282

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION 4 KNOXVILLE, TENNESSEE AREA OFFICE						
COUNTY : JOHNSON	TN	186	226	265	303	341
COUNTY : LOUDON	TN	150	186	219	252	282
COUNTY : MCMINN	TN	161	197	232	266	302
COUNTY : MEIGS	TN	161	197	232	266	302
COUNTY : MONROE	TN	150	186	219	252	282
COUNTY : MORGAN	TN	150	186	219	252	282
COUNTY : PICKETT	TN	143	176	208	240	269
COUNTY : POLK	TN	161	197	232	266	302
COUNTY : RHEA	TN	161	197	232	266	302
COUNTY : ROANE	TN	150	186	219	252	282
COUNTY : SCOTT	TN	150	186	219	252	282
COUNTY : SEVIER	TN	150	186	219	252	282
SMSA : MEMPHIS, TN-AR-MS		208	253	296	337	378
COUNTY : BENTON	TN	172	209	248	282	318
COUNTY : CARROLL	TN	155	192	224	257	289
COUNTY : CHESTER	TN	155	192	224	257	289
COUNTY : CROCKETT	TN	155	192	224	257	289
COUNTY : DECATUR	TN	155	192	224	257	289
COUNTY : DYER	TN	155	192	224	257	289
COUNTY : FAYETTE	TN	156	191	224	256	288
COUNTY : GIBSON	TN	155	192	224	257	289
COUNTY : HARDEMAN	TN	156	191	224	256	288
COUNTY : HARDIN	TN	156	193	228	259	294
COUNTY : HAYWOOD	TN	155	192	224	257	289
COUNTY : HENDERSON	TN	155	192	224	257	289
COUNTY : HENRY	TN	155	192	224	257	289
COUNTY : LAKE	TN	160	195	232	264	299
COUNTY : LAUDERDALE	TN	155	192	224	257	289
COUNTY : MCNAIRY	TN	156	193	228	259	294
COUNTY : MADISON	TN	171	208	246	282	316
COUNTY : OBION	TN	160	195	232	264	299
COUNTY : WEAKLEY	TN	155	192	224	257	289
SMSA : CLARKSVILLE-HOPKINSVILLE, TN-KY		188	230	270	307	348
SMSA : NASHVILLE-DAVIDSON, TN		207	251	293	334 (1)	379 (5)
COUNTY : BEDFORD	TN	161	197	232	266	302
COUNTY : CANNON	TN	143	176	208	240	269
COUNTY : CLAY	TN	143	176	208	240	269
COUNTY : COFFEE	TN	161	197	232	266	302
COUNTY : DE KALB	TN	143	176	208	240	269
COUNTY : FRANKLIN	TN	182	220	257	295	330
COUNTY : GILES	TN	161	197	232	266	302
COUNTY : HICKMAN	TN	161	197	232	266	302
COUNTY : HOUSTON	TN	172	209	248	282	318
COUNTY : HUMPHREYS	TN	188	230	270	307	348
COUNTY : JACKSON	TN	143	176	208	240	269
COUNTY : LAWRENCE	TN	161	197	232	266	302

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 4 KNOXVILLE, TENNESSEE AREA OFFICE						
COUNTY : LEWIS	TN	161	197	232	266	302
COUNTY : LINCOLN	TN	182	220	257	295	330
COUNTY : MACON	TN	143	176	208	240	269
COUNTY : MARSHALL	TN	161	197	232	266	302
COUNTY : MAURY	TN	161	197	232	266	302
COUNTY : MOORE	TN	161	197	232	266	302
COUNTY : OVERTON	TN	143	176	208	240	269
COUNTY : PERRY	TN	143	176	208	240	269
COUNTY : PUTNAM	TN	143	176	208	240	269
COUNTY : SMITH	TN	143	176	208	240	269
COUNTY : STEWART	TN	172	209	248	282	318
COUNTY : TROUSDALE	TN	143	176	208	240	269
COUNTY : VAN BUREN	TN	143	176	208	240	269
COUNTY : WARREN	TN	143	176	208	240	269
COUNTY : WAYNE	TN	156	193	228	259	294
COUNTY : WHITE	TN	143	176	208	240	269
REGION - 5 CHICAGO, ILLINOIS AREA OFFICE						
SMSA : CHICAGO, IL		290 (11)	349 (16)	415 (24)	485 (33)	546 (41)
SMSA : DAVENPORT-ROCK ISLAND-MOLINE, IA-IL		228	277	325	373	420
SMSA : KANKAKEE, ILLINOIS		194	236	278	318	360
SMSA : ROCKFORD, IL		219	273	331	370	426
COUNTY : CARROLL	IL	194	236	278	318	360
COUNTY : DE KALB	IL	219	265	312	358	403
COUNTY : GRUNDY	IL	219	265	312	358	403
COUNTY : JO DAVIESS	IL	175	215	252	292	328
COUNTY : KENDALL	IL	219	265	312	358	403
COUNTY : LEE	IL	201	244	287	329	370
COUNTY : OGLE	IL	201	244	287	329	370
COUNTY : STEPHENSON	IL	201	244	287	329	370
COUNTY : WHITESIDE	IL	194	236	278	318	360
SMSA : BLOOMINGTON-NORMAL, IL		201	244	287	329	370
SMSA : CHAMPAIGN-URBANA-RANTOUL, IL		221	266	315	362	407
SMSA : DAVENPORT-ROCK ISLAND-MOLINE, IA-IL		228	277	325	373	420
SMSA : DECATUR, IL		209	253	299	342	387
SMSA : PEORIA, IL		228	277	325	373	420
SMSA : ST LOUIS, MO-IL		233	282	327	374	423
SMSA : SPRINGFIELD, IL		209	253	299	342	387
COUNTY : ADAMS	IL	177	214	254	294	330
COUNTY : ALEXANDER	IL	145	178	212	245	275
COUNTY : BOND	IL	160	197	234	267	303
COUNTY : BROWN	IL	177	214	254	294	330
COUNTY : BUREAU	IL	194	236	278	318	360

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 5 CHICAGO, ILLINOIS AREA OFFICE						
COUNTY : CALHOUN	IL	160	197	234	267	303
COUNTY : CASS	IL	209	253	299	342	387
COUNTY : CHRISTIAN	IL	209	253	299	342	387
COUNTY : CLARK	IL	201	244	287	329	370
COUNTY : CLAY	IL	160	197	234	267	303
COUNTY : COLES	IL	221	266	315	362	407
COUNTY : CRAWFORD	IL	201	244	287	329	370
COUNTY : CUMBERLAND	IL	221	266	315	362	407
COUNTY : DE WITT	IL	209	253	299	342	387
COUNTY : DOUGLAS	IL	221	266	315	362	407
COUNTY : EDGAR	IL	221	266	315	362	407
COUNTY : EDWARDS	IL	148	183	216	249	283
COUNTY : EFFINGHAM	IL	160	197	234	267	303
COUNTY : FAYETTE	IL	160	197	234	267	303
COUNTY : FORD	IL	221	266	315	362	407
COUNTY : FRANKLIN	IL	168	204	244	278	315
COUNTY : FULTON	IL	201	244	287	329	370
COUNTY : GALLATIN	IL	148	183	216	249	283
COUNTY : GREENE	IL	160	197	234	267	303
COUNTY : HAMILTON	IL	148	183	216	249	283
COUNTY : HANCOCK	IL	177	214	254	294	330
COUNTY : HARDIN	IL	145	178	212	245	275
COUNTY : HENDERSON	IL	177	214	254	294	330
COUNTY : IROQUOIS	IL	194	236	278	318	360
COUNTY : JACKSON	IL	195	250	314	360	430
COUNTY : JASPER	IL	160	197	234	267	303
COUNTY : JEFFERSON	IL	197	261	314	343	388
COUNTY : JERSEY	IL	160	197	234	267	303
COUNTY : JOHNSON	IL	145	178	212	245	275
COUNTY : KNOX	IL	201	244	287	329	370
COUNTY : LA SALLE	IL	219	265	312	358	403
COUNTY : LAWRENCE	IL	148	183	216	249	283
COUNTY : LIVINGSTON	IL	219	265	312	358	403
COUNTY : LOGAN	IL	209	253	299	342	387
COUNTY : MCDONOUGH	IL	201	244	287	329	370
COUNTY : MACOUPIN	IL	160	197	234	267	303
COUNTY : MARION	IL	160	197	234	267	303
COUNTY : MARSHALL	IL	201	244	287	329	370
COUNTY : MASON	IL	209	253	299	342	387
COUNTY : MASSAC	IL	145	178	212	245	275
COUNTY : MERCER	IL	194	236	278	318	360
COUNTY : MONTGOMERY	IL	160	197	234	267	303
COUNTY : MORGAN	IL	209	253	299	342	387
COUNTY : MOULTRIE	IL	209	253	299	342	387
COUNTY : PERRY	IL	168	204	244	278	315
COUNTY : PIATT	IL	221	266	315	362	407

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)			0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 5 CHICAGO, ILLINOIS AREA OFFICE							
COUNTY	: PIKE	IL	177	214	254	294	330
COUNTY	: POPE	IL	145	178	212	245	275
COUNTY	: PULASKI	IL	145	178	212	245	275
COUNTY	: PUTNAM	IL	219	265	312	358	403
COUNTY	: RANDOLPH	IL	168	204	244	278	315
COUNTY	: RICHLAND	IL	160	197	234	267	303
COUNTY	: SALINE	IL	148	183	216	249	283
COUNTY	: SCHUYLER	IL	177	214	254	294	330
COUNTY	: SCOTT	IL	209	253	299	342	387
COUNTY	: SHELBY	IL	209	253	299	342	387
COUNTY	: STARK	IL	201	244	287	329	370
COUNTY	: UNION	IL	145	178	212	245	275
COUNTY	: VERMILION	IL	221	266	315	362	407
COUNTY	: WABASH	IL	148	183	216	249	283
COUNTY	: WARREN	IL	201	244	287	329	370
COUNTY	: WASHINGTON	IL	168	204	244	278	315
COUNTY	: WAYNE	IL	160	197	234	267	303
COUNTY	: WHITE	IL	148	183	216	249	283
COUNTY	: WILLIAMSON	IL	168	204	244	278	315
REGION - 5 COLUMBUS, OHIO AREA OFFICE							
SMSA	: CINCINNATI, OH-KY-IN		205 (6)	250 (9)	293 (10)	338 (14)	382 (19)
SMSA	: DAYTON, OH		219	265	312	358	403
SMSA	: HAMILTON-MIDDLETOWN, OH		192	233	274	315	355
COUNTY	: ADAMS	OH	192	233	274	315	355
COUNTY	: BROWN	OH	192	233	274	315	355
COUNTY	: CLINTON	OH	192	233	274	315	355
COUNTY	: DARKE	OH	172	211	247	286	319
COUNTY	: HIGHLAND	OH	192	233	274	315	355
SMSA	: AKRON, OH		225	273	320	368	413
SMSA	: CANTON, OH		204	245	290	330	371
SMSA	: CLEVELAND, OH		207	250	295	340	381
SMSA	: LORAIN-ELYRIA, OH		220	265	314	359	405
SMSA	: MANSFIELD, OH		193	239	278	316	356
SMSA	: STEUBENVILLE-WEIRTON, OH-WV		209	252	295	338	379
SMSA	: TOLEDO, OH-MI		203	245	289	330	372
SMSA	: YOUNGSTOWN-WARREN, OH		194	236	278	318	360
COUNTY	: ASHLAND	OH	183	224	264	304	341
COUNTY	: ASHTABULA	OH	183	224	264	304	341
COUNTY	: COLUMBIANA	OH	174	214	251	290	326
COUNTY	: CRAWFORD	OH	188	227	265	309	345
COUNTY	: DEFIANCE	OH	175	215	252	292	328
COUNTY	: ERIE	OH	183	224	264	304	341

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 5 COLUMBUS, OHIO AREA OFFICE						
COUNTY : HANCOCK	OH	183	224	264	304	341
COUNTY : HARRISON	OH	160	199	235	269	305
COUNTY : HENRY	OH	183	224	264	304	341
COUNTY : HOLMES	OH	161	199	235	269	305
COUNTY : HURON	OH	183	224	264	304	341
COUNTY : PAULDING	OH	175	215	252	292	328
COUNTY : SANDUSKY	OH	183	224	264	304	341
COUNTY : SENECA	OH	183	224	264	304	341
COUNTY : TUSCARAWAS	OH	161	199	235	269	305
COUNTY : WAYNE	OH	183	224	264	304	341
COUNTY : WILLIAMS	OH	175	215	252	292	328
COUNTY : WYANDOT	OH	188	227	265	309	345
SMSA : COLUMBUS, OH		207	252	297	340	381
SMSA : HUNTINGTON-ASHLAND, WV-KY-OH		214	257	300	342	385
SMSA : LIMA, OH		209	243	292	334	367
SMSA : NEWARK, OH		183	224	264	304	341
SMSA : PARKERSBURG-MARIETTA, WV-OH		211	253	296	339	380
SMSA : SPRINGFIELD, OH		181	218	258	297	333
SMSA : WHEELING, WV-OH		212	255	297	340	381
COUNTY : ATHENS	OH	186	239	300	339	380
COUNTY : COSHOCTON	OH	180	220	261	298	336
COUNTY : FAYETTE	OH	156	190	226	261	293
COUNTY : GALLIA	OH	160	199	235	269	305
COUNTY : GUERNSEY	OH	193	230	275	314	353
COUNTY : HARDIN	OH	175	215	252	292	328
COUNTY : HOCKING	OH	175	215	252	292	328
COUNTY : JACKSON	OH	156	190	226	261	293
COUNTY : KNOX	OH	188	227	265	309	345
COUNTY : LOGAN	OH	172	211	247	286	319
COUNTY : MARION	OH	156	190	226	261	293
COUNTY : MEIGS	OH	130	159	191	219	249
COUNTY : MERCER	OH	175	215	252	292	328
COUNTY : MONROE	OH	144	175	211	244	272
COUNTY : MORGAN	OH	175	215	252	292	328
COUNTY : MORROW	OH	188	227	265	309	345
COUNTY : MUSKINGUM	OH	185	224	263	302	341
COUNTY : NOBLE	OH	175	215	252	292	328
COUNTY : PERRY	OH	171	210	246	283	317
COUNTY : PIKE	OH	179	211	254	283	314
COUNTY : ROSS	OH	156	190	226	261	293
COUNTY : SCIOTO	OH	178	208	251	279	310
COUNTY : SHELBY	OH	183	214	261	304	331
COUNTY : UNION	OH	156	190	226	261	293
COUNTY : VINTON	OH	156	190	226	261	293
REGION - 5 DETROIT, MICHIGAN AREA OFFICE						
SMSA : ANN ARBOR, MI		277	336	392	449	506

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)				0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 5 DETROIT, MICHIGAN AREA OFFICE								
SMSA	:	DETROIT, MI		252	304	356	410	463 (2)
SMSA	:	TOLEDO, OH-MI		203	245	289	330	372
COUNTY	:	LENAWEE	MI	203	245	289	330	372
SMSA	:	BAY CITY, MI		221	266	315	362	407
SMSA	:	DETROIT, MI		252	304	356	410	463 (2)
SMSA	:	FLINT, MI		232	280	328	377	423
SMSA	:	SAGINAW, MI		221	266	315	362	407
COUNTY	:	ALCONA	MI	201	244	287	329	370
COUNTY	:	ALPENA	MI	201	244	287	329	370
COUNTY	:	ARENAC	MI	201	244	287	329	370
COUNTY	:	GLADWIN	MI	201	244	287	329	370
COUNTY	:	HURON	MI	201	244	287	329	370
COUNTY	:	IOSCO	MI	201	244	287	329	370
COUNTY	:	MIDLAND	MI	221	266	315	362	407
COUNTY	:	MONTMORENCY	MI	201	244	287	329	370
COUNTY	:	OGEMAW	MI	201	244	303	329	370
COUNTY	:	OSCODA	MI	201	244	287	329	370
COUNTY	:	PRESQUE ISLE	MI	201	244	287	329	370
COUNTY	:	SANILAC	MI	201	244	287	329	370
COUNTY	:	TUSCOLA	MI	201	244	287	329	370
SMSA	:	BATTLE CREEK, MI		200	243	286	327	367
SMSA	:	BENTON HARBOR, MI		204	246	291	332	374
SMSA	:	GRAND RAPIDS, MI		207	251	311	338	380
SMSA	:	JACKSON, MI		200	243	286	327	367
SMSA	:	KALAMAZOO-PORTAGE , MI		237	286	338	385	434
SMSA	:	LANSING-EAST LANSING , MI		250	301	355	407	458
SMSA	:	MUSKEGON-NORTON SHORES-MUSKEGON HEIGHTS, MI		190	228	266	306	342
COUNTY	:	ALGER	MI	178	216	257	294	332
COUNTY	:	ALLEGAN	MI	178	216	257	294	332
COUNTY	:	ANTRIM	MI	178	216	257	294	332
COUNTY	:	BARAGA	MI	178	216	257	294	332
COUNTY	:	BENZIE	MI	178	216	257	294	332
COUNTY	:	BRANCH	MI	200	243	286	327	367
COUNTY	:	CASS	MI	204	246	291	332	374
COUNTY	:	CHARLEVOIX	MI	178	216	257	294	332
COUNTY	:	CHEBOYGAN	MI	201	244	287	329	370
COUNTY	:	CHIPPEWA	MI	201	244	303	329	370
COUNTY	:	CLARE	MI	201	244	303	329	370
COUNTY	:	CRAWFORD	MI	201	244	303	329	370
COUNTY	:	DELTA	MI	195	229	294	322	362
COUNTY	:	DICKINSON	MI	195	229	294	322	362
COUNTY	:	EMMET	MI	178	216	257	294	332
COUNTY	:	GOGEBIC	MI	201	245	274	309	344
COUNTY	:	GRD TRAVERSE	MI	243	277	314	363	441
COUNTY	:	GRATIOT	MI	201	244	287	329	370
COUNTY	:	HILLSDALE	MI	200	243	286	327	367

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 5 DETROIT, MICHIGAN AREA OFFICE						
COUNTY : HOUGHTON	MI	195	229	294	322	362
COUNTY : IRON	MI	195	229	294	322	362
COUNTY : ISABELLA	MI	201	244	287	329	370
COUNTY : KALKASKA	MI	178	216	257	294	332
COUNTY : KEWEENAW	MI	178	216	257	294	332
COUNTY : LAKE	MI	195	229	294	322	362
COUNTY : LEELANAU	MI	178	216	257	294	332
COUNTY : LUCE	MI	201	244	287	329	370
COUNTY : MACKINAC	MI	201	244	303	329	370
COUNTY : MANISTEE	MI	195	229	294	322	362
COUNTY : MARQUETTE	MI	195	229	294	322	362
COUNTY : MASON	MI	195	229	294	322	362
COUNTY : MECOSTA	MI	178	216	257	294	332
COUNTY : MENOMINEE	MI	178	216	257	294	332
COUNTY : MISSAUKEE	MI	195	229	294	322	362
COUNTY : MONTCALM	MI	178	216	257	294	332
COUNTY : NEWAYGO	MI	178	216	257	294	332
COUNTY : ONTONAGON	MI	201	245	274	309	344
COUNTY : OSCEOLA	MI	195	229	294	322	362
COUNTY : OTSEWO	MI	201	244	303	329	370
COUNTY : ROSCOMMON	MI	201	244	303	329	370
COUNTY : ST JOSEPH	MI	204	246	291	332	374
COUNTY : SCHOOLCRAFT	MI	178	216	257	294	332
COUNTY : WEXFORD	MI	195	229	294	322	362
REGION - 5 INDIANAPOLIS, INDIANA AREA OFFICE						
SMSA : ANDERSON, IN		193	234	276	315	357
SMSA : BLOOMINGTON, IN		208	252	298	340	384
SMSA : CINCINNATI, OH-KY-IN		205 (6)	250 (9)	293 (10)	338 (14)	382 (19)
SMSA : ELKHART, IN.		212	256	300	342	387
SMSA : EVANSVILLE, IN-KY		224	250	300	331	367
SMSA : FORT WAYNE, IN		223	270	316	365	411
SMSA : GARY-HAMMOND-EAST CHICAGO, IN		210	254	298	343	387
SMSA : INDIANAPOLIS, IN		210	256	300	345	388
SMSA : KOKOMO, IN		208	252	298	340	384
SMSA : LAFAYETTE-WEST LAFAYETTE, IN		219	265	312	358	403
SMSA : LOUISVILLE, KY-IN		196	239	280	320	363
SMSA : MUNCIE, IN		193	234	276	315	357
SMSA : SOUTH BEND, IN		219	265	312	358	403
SMSA : TERRE HAUTE, IN		201	244	287	329	370
COUNTY : BARTHOLOMEW	IN	208	252	298	340	384
COUNTY : BENTON	IN	219	265	312	358	403
COUNTY : BLACKFORD	IN	193	234	276	315	357

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 5 INDIANAPOLIS, INDIANA AREA OFFICE						
COUNTY : BROWN	IN	208	252	298	340	384
COUNTY : CARROLL	IN	219	265	312	358	403
COUNTY : CASS	IN	208	252	298	340	384
COUNTY : CLINTON	IN	219	265	312	358	403
COUNTY : CRAWFORD	IN	186	225	267	305	343
COUNTY : DAVIESS	IN	224	250	300	331	367
COUNTY : DECATUR	IN	208	252	298	340	384
COUNTY : DUBOIS	IN	224	250	300	331	367
COUNTY : FAYETTE	IN	192	233	274	315	355
COUNTY : FOUNTAIN	IN	219	265	312	358	403
COUNTY : FRANKLIN	IN	192	233	274	315	355
COUNTY : FULTON	IN	204	246	291	332	374
COUNTY : GRANT	IN	193	234	276	315	357
COUNTY : GREENE	IN	201	244	287	329	370
COUNTY : HARRISON	IN	186	225	267	305	343
COUNTY : HENRY	IN	193	234	276	315	357
COUNTY : HUNTINGTON	IN	175	215	252	292	328
COUNTY : JACKSON	IN	208	252	298	340	384
COUNTY : JASPER	IN	194	236	278	318	360
COUNTY : JAY	IN	193	234	276	315	357
COUNTY : JEFFERSON	IN	186	225	267	305	343
COUNTY : JENNINGS	IN	208	252	298	340	384
COUNTY : KNOX	IN	190	228	265	305	341
COUNTY : KOSCIUSKO	IN	204	246	291	332	374
COUNTY : LAGRANGE	IN	204	246	291	332	374
COUNTY : LA PORTE	IN	194	236	278	318	360
COUNTY : LAWRENCE	IN	208	252	298	340	384
COUNTY : MARTIN	IN	224	250	300	331	367
COUNTY : MIAMI	IN	208	252	298	340	384
COUNTY : MONTGOMERY	IN	219	265	312	358	403
COUNTY : NEWTON	IN	194	236	278	318	360
COUNTY : NOBLE	IN	175	215	252	292	328
COUNTY : OHIO	IN	192	233	274	315	355
COUNTY : ORANGE	IN	186	225	267	305	343
COUNTY : OWEN	IN	208	252	298	340	384
COUNTY : PARKE	IN	201	244	287	329	370
COUNTY : PERRY	IN	224	250	300	331	367
COUNTY : PIKE	IN	224	250	300	331	367
COUNTY : PULASKI	IN	194	236	278	318	360
COUNTY : PUTNAM	IN	208	252	298	340	384
COUNTY : RANDOLPH	IN	193	234	276	315	357
COUNTY : RIPLEY	IN	192	233	274	315	355
COUNTY : RUSH	IN	208	252	298	340	384
COUNTY : SCOTT	IN	186	225	267	305	343
COUNTY : SPENCER	IN	224	250	300	331	367
COUNTY : STARKE	IN	194	236	278	318	360

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 5 INDIANAPOLIS, INDIANA AREA OFFICE						
COUNTY : STEUBEN	IN	175	215	252	292	328
COUNTY : SWITZERLAND	IN	192	233	274	315	355
COUNTY : UNION	IN	192	233	274	315	355
COUNTY : WABASH	IN	175	215	252	292	328
COUNTY : WARREN	IN	219	265	312	358	403
COUNTY : WASHINGTON	IN	186	225	267	305	343
COUNTY : WAYNE	IN	193	234	276	315	357
COUNTY : WHITE	IN	219	265	312	358	403
COUNTY : WHITLEY	IN	175	215	252	292	328
REGION - 5 MILWAUKEE, WISCONSIN AREA OFFICE						
SMSA : APPLETON-OSHKOSH, WI		211	257	301	344	387
SMSA : DULUTH-SUPERIOR, MN-WI		232	264	318	354	391
SMSA : EAU CLAIRE, WI		161	199	235	269	305
SMSA : GREEN BAY, WI		193	234	276	315	357
SMSA : JANESVILLE-BELOIT,WI		201	244	287	329	370
SMSA : KENOSHA, WI		220	265	314	359	405
SMSA : LA CROSSE, WI		177	214	254	294	330
SMSA : MADISON, WI		234	283	333	380	429
SMSA : MILWAUKEE, WI		241	291	343	394	443
SMSA : MINNEAPOLIS-ST PAUL, MN WI		302	359	417	476	531
SMSA : RACINE, WI		220	265	314	359	405
SMSA : SHEBOYGAN, WI		188	227	265	309	345
SMSA : WAUSAU, WI		196	239	281	323	365
COUNTY : ADAMS	WI	188	227	265	309	345
COUNTY : ASHLAND	WI	161	199	235	269	305
COUNTY : BARRON	WI	161	199	235	269	305
COUNTY : BAYFIELD	WI	161	199	235	269	305
COUNTY : BUFFALO	WI	177	214	254	294	330
COUNTY : BURNETT	WI	189	228	268	310	348
COUNTY : CLARK	WI	196	239	281	323	365
COUNTY : COLUMBIA	WI	188	227	265	309	345
COUNTY : CRAWFORD	WI	175	215	252	292	328
COUNTY : DODGE	WI	188	227	265	309	345
COUNTY : DOOR	WI	193	234	276	315	357
COUNTY : DUNN	WI	161	199	235	269	305
COUNTY : FLORENCE	WI	178	216	257	294	332
COUNTY : FOND DU LAC	WI	213	260	304	351	393
COUNTY : FOREST	WI	178	216	257	294	332
COUNTY : GRANT	WI	175	215	252	292	328
COUNTY : GREEN	WI	201	244	287	329	370
COUNTY : GREEN LAKE	WI	188	227	265	309	345
COUNTY : IOWA	WI	188	227	265	309	345

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 5 MILWAUKEE, WISCONSIN AREA OFFICE						
COUNTY : IRON	WI	161	199	235	269	305
COUNTY : JACKSON	WI	177	214	254	294	330
COUNTY : JEFFERSON	WI	188	227	265	309	345
COUNTY : JUNEAU	WI	177	214	254	294	330
COUNTY : KEWAUNEE	WI	193	234	276	315	357
COUNTY : LAFAYETTE	WI	175	215	252	292	328
COUNTY : LANGLADE	WI	196	239	281	323	365
COUNTY : LINCOLN	WI	196	239	281	323	365
COUNTY : MANITOWOC	WI	193	234	276	315	357
COUNTY : MARINETTE	WI	178	216	257	294	332
COUNTY : MARQUETTE	WI	188	227	265	309	345
COUNTY : MENOMINEE	WI	178	216	257	294	332
COUNTY : MONROE	WI	177	214	254	294	330
COUNTY : OCONTO	WI	178	216	257	294	332
COUNTY : ONEIDA	WI	196	239	281	323	365
COUNTY : PEPIN	WI	161	199	235	269	305
COUNTY : PIERCE	WI	189	228	268	310	348
COUNTY : POLK	WI	189	228	268	310	348
COUNTY : PORTAGE	WI	196	239	281	323	365
COUNTY : PRICE	WI	196	239	281	323	365
COUNTY : RICHLAND	WI	188	227	265	309	345
COUNTY : RUSK	WI	161	199	235	269	305
COUNTY : SAUK	WI	188	227	265	309	345
COUNTY : SAWYER	WI	161	199	235	269	305
COUNTY : SHAWANO	WI	178	216	257	294	332
COUNTY : TAYLOR	WI	196	239	281	323	365
COUNTY : TREMPEALEAU	WI	177	214	254	294	330
COUNTY : VERNON	WI	177	214	254	294	330
COUNTY : VILAS	WI	196	239	281	323	365
COUNTY : WALWORTH	WI	188	227	265	309	345
COUNTY : WASHBURN	WI	161	199	235	269	305
COUNTY : WAUPACA	WI	178	216	257	294	332
COUNTY : WAUSHARA	WI	188	227	265	309	345
COUNTY : WOOD	WI	196	239	281	323	365
REGION - 5 MINNEAPOLIS-ST. PAUL, MINNESOTA AREA OFFICE						
SMSA : DULUTH-SUPERIOR, MN-WI		232	264	318	354	391
SMSA : FARGO-MOORHEAD, ND-MN		219	250	323	370	395
SMSA : GRAND FORKS, N.D.-MN		219	262	312	360	391
SMSA : MINNEAPOLIS-ST PAUL, MN-WI		302	359	417	476	531
SMSA : ROCHESTER, MN		244	294	341	390	460
SMSA : ST. CLOUD, MN		235	285	332	380	427
COUNTY : AITKIN	MN	181	218	260	297	336

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 5 MINNEAPOLIS-ST. PAUL, MINNESOTA AREA OFFICE						
COUNTY : BECKER	MN	189	228	268	310	348
COUNTY : BELTRAMI	MN	196	239	278	317	360
COUNTY : BIG STONE	MN	181	218	260	297	336
COUNTY : BLUE EARTH	MN	235	285	332	380	427
COUNTY : BROWN	MN	212	258	302	346	391
COUNTY : CARLTON	MN	212	258	302	346	391
COUNTY : CASS	MN	196	239	278	317	360
COUNTY : CHIPPEWA	MN	181	218	260	297	336
COUNTY : CLEARWATER	MN	189	228	268	310	348
COUNTY : COOK	MN	175	215	252	291	327
COUNTY : COTTONWOOD	MN	181	218	260	297	336
COUNTY : CROW WING	MN	196	239	278	317	360
COUNTY : DODGE	MN	212	258	302	346	391
COUNTY : DOUGLAS	MN	181	218	260	297	336
COUNTY : FARIBAULT	MN	212	258	302	346	391
COUNTY : FILLMORE	MN	212	258	302	346	391
COUNTY : FREEBORN	MN	212	258	302	346	391
COUNTY : GOODHUE	MN	189	228	268	310	348
COUNTY : GRANT	MN	166	202	240	276	313
COUNTY : HOUSTON	MN	177	214	254	294	330
COUNTY : HUBBARD	MN	181	218	260	297	336
COUNTY : ISANTI	MN	189	228	268	310	348
COUNTY : ITASCA	MN	212	258	302	346	391
COUNTY : JACKSON	MN	192	233	274	315	355
COUNTY : KANABEC	MN	189	228	268	310	348
COUNTY : KANDIYOHI	MN	196	239	278	317	360
COUNTY : KITTSON	MN	189	228	268	310	348
COUNTY : KOOCHICHING	MN	175	215	252	291	327
COUNTY : LAC QUI PARL	MN	181	218	260	297	336
COUNTY : LAKE	MN	175	215	252	291	327
COUNTY : LAKE OF WOOD	MN	181	218	260	297	336
COUNTY : LE SUEUR	MN	212	258	302	346	391
COUNTY : LINCOLN	MN	192	233	274	315	355
COUNTY : LYON	MN	192	233	274	315	355
COUNTY : MCLEOD	MN	212	258	302	346	391
COUNTY : MAHNOMEN	MN	189	228	268	310	348
COUNTY : MARSHALL	MN	189	228	268	310	348
COUNTY : MARTIN	MN	196	239	278	317	360
COUNTY : MEEKER	MN	196	239	278	317	360
COUNTY : MILLE LACS	MN	189	228	268	310	348
COUNTY : MORRISON	MN	196	239	278	317	360
COUNTY : MOWER	MN	212	258	302	346	391
COUNTY : MURRAY	MN	192	233	274	315	355
COUNTY : NICOLLET	MN	212	258	302	346	391
COUNTY : NOBLES	MN	192	233	274	315	355
COUNTY : NORMAN	MN	189	228	268	310	348

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 5 MINNEAPOLIS-ST. PAUL, MINNESOTA AREA OFFICE						
COUNTY : OTTER TAIL	MN	189	228	268	310	348
COUNTY : PENNINGTON	MN	189	228	268	310	348
COUNTY : PINE	MN	189	228	268	310	348
COUNTY : PIPESTONE	MN	192	233	274	315	355
COUNTY : POPE	MN	181	218	260	297	336
COUNTY : RED LAKE	MN	189	228	268	310	348
COUNTY : REDWOOD	MN	181	218	260	297	336
COUNTY : RENVILLE	MN	181	218	260	297	336
COUNTY : RICE	MN	189	228	268	310	348
COUNTY : ROCK	MN	192	233	274	315	355
COUNTY : ROSEAU	MN	189	228	268	310	348
COUNTY : SIBLEY	MN	212	258	302	346	391
COUNTY : STEELE	MN	212	258	302	346	391
COUNTY : STEVENS	MN	181	218	260	297	336
COUNTY : SWIFT	MN	181	218	260	297	336
COUNTY : TODD	MN	196	239	278	317	360
COUNTY : TRAVERSE	MN	166	202	240	276	313
COUNTY : WABASHA	MN	212	258	302	346	391
COUNTY : WADENA	MN	181	218	260	297	336
COUNTY : WASECA	MN	212	258	302	346	391
COUNTY : WATONWAN	MN	196	239	278	317	360
COUNTY : WILKIN	MN	189	228	268	310	348
COUNTY : WINONA	MN	194	236	277	318	360
COUNTY : YELLOW MEDIC	MN	181	218	260	297	336
REGION - 6 DALLAS, TEXAS AREA OFFICE						
SMSA : ALBUQUERQUE, NM		203	247	290	331	372
SMSA : LAS CRUCES, NM.		172	211	246	283	318
COUNTY : CATRON	NM	172	211	246	283	318
COUNTY : CHAVES	NM	172	211	246	283	318
COUNTY : COLFAX	NM	183	222	261	297	333
COUNTY : CURRY	NM	165	200	237	271	307
COUNTY : DE BACA	NM	165	200	237	271	307
COUNTY : EDDY	NM	172	211	246	283	318
COUNTY : GRANT	NM	172	211	246	283	318
COUNTY : GUADALUPE	NM	165	200	237	271	307
COUNTY : HARDING	NM	165	200	237	271	307
COUNTY : HIDALGO	NM	172	211	246	283	318
COUNTY : LEA	NM	172	211	246	283	318
COUNTY : LINCOLN	NM	172	211	246	283	318
COUNTY : LOS ALAMOS	NM	183	222	261	297	333
COUNTY : LUNA	NM	183	222	261	297	333
COUNTY : MCKINLEY	NM	183	222	261	297	333

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)			0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 6 DALLAS, TEXAS AREA OFFICE							
COUNTY : MORA		NM	183	222	261	297	333
COUNTY : OTERO		NM	172	211	246	283	318
COUNTY : QUAY		NM	165	200	237	271	307
COUNTY : RIO ARRIBA		NM	183	222	261	297	333
COUNTY : ROOSEVELT		NM	165	200	237	271	307
COUNTY : SAN JUAN		NM	203	247	290	331	372
COUNTY : SAN MIGUEL		NM	183	222	261	297	333
COUNTY : SANTE FE		NM	203	247	290	331	372
COUNTY : SIERRA		NM	172	211	246	283	318
COUNTY : SOCORRO		NM	172	211	246	283	318
COUNTY : TAOS		NM	183	222	261	297	333
COUNTY : TORRANCE		NM	183	222	261	297	333
COUNTY : UNION		NM	165	200	237	271	307
COUNTY : VALENCIA		NM	183	222	261	297	333
SMSA : DALLAS-FORT WORTH , TX			236	281	326	371	412
SMSA : KILLEEN-TEMPLE, TX			193	231	273	313	352 (3)
SMSA : LONGVIEW-MARSHALL, TX			156	193	228	259	294
SMSA : SHERMAN-DENISON, TX			167	205	240	275	307
SMSA : TEXARKANA, TX-AR			156	193	228	259	294
SMSA : TYLER, TX			156	193	228	259	294
SMSA : WACO, TX			193	231	273	313	352 (3)
COUNTY : ANDERSON		TX	156	193	228	259	294
COUNTY : CAMP		TX	137	169	200	230	257
COUNTY : CHEROKEE		TX	156	193	228	259	294
COUNTY : COOKE		TX	167	205	240	275	307
COUNTY : DELTA		TX	137	169	200	230	257
COUNTY : FALLS		TX	193	231	273	313	352 (3)
COUNTY : FANNIN		TX	167	205	240	275	307
COUNTY : FRANKLIN		TX	137	169	200	230	257
COUNTY : FREESTONE		TX	193	231	273	313	352 (3)
COUNTY : HENDERSON		TX	156	193	228	259	294
COUNTY : HILL		TX	193	231	273	313	352 (3)
COUNTY : HOPKINS		TX	167	205	240	275	307
COUNTY : HUNT		TX	180	216	255	288	322
COUNTY : LAMAR		TX	156	193	228	259	294
COUNTY : LIMESTONE		TX	193	231	273	313	352 (3)
COUNTY : MILAM		TX	179	217	255	294	327
COUNTY : NAVARRO		TX	167	205	240	275	307
COUNTY : RAINS		TX	167	205	240	275	307
COUNTY : RED RIVER		TX	137	169	200	230	257
COUNTY : RUSK		TX	156	193	228	259	294
COUNTY : TITUS		TX	144	179	209	243	270
COUNTY : UPSHUR		TX	156	193	228	259	294
COUNTY : VAN ZANDT		TX	167	205	240	275	307

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 6 DALLAS, TEXAS AREA OFFICE						
COUNTY : WOOD	TX	156	193	228	259	294
SMSA : ABILENE, TX		171	209	247	283	319
SMSA : DALLAS-FORT WORTH , TX		236	281	326	371	412
SMSA : SAN ANGELO, TX		171	209	247	283	319
SMSA : WICHITA FALLS, TX		188	230	270	307	348
COUNTY : ARCHER	TX	188	230	270	307	348
COUNTY : BAYLOR	TX	188	230	270	307	348
COUNTY : BOSQUE	TX	193	231	273	313	352 (3)
COUNTY : BROWN	TX	171	209	247	283	319
COUNTY : COKE	TX	171	209	247	283	319
COUNTY : COLEMAN	TX	171	209	247	283	319
COUNTY : COMANCHE	TX	171	209	247	283	319
COUNTY : CONCHO	TX	171	209	247	283	319
COUNTY : CROCKETT	TX	182	221	257	297	333
COUNTY : EASTLAND	TX	171	209	247	283	319
COUNTY : ERATH	TX	167	205	240	275	307
COUNTY : FOARD	TX	188	230	270	307	348
COUNTY : HAMILTON	TX	193	231	273	313	352 (3)
COUNTY : HARDEMAN	TX	188	230	270	307	348
COUNTY : HASKELL	TX	171	209	247	283	319
COUNTY : IRION	TX	171	209	247	283	319
COUNTY : JACK	TX	188	230	270	307	348
COUNTY : KIMBLE	TX	171	209	247	283	319
COUNTY : KNOX	TX	171	209	247	283	319
COUNTY : LAMPASAS	TX	193	231	273	313	352 (3)
COUNTY : MCCULLOCH	TX	171	209	247	283	319
COUNTY : MASON	TX	171	209	247	283	319
COUNTY : MENARD	TX	171	209	247	283	319
COUNTY : MILLS	TX	171	209	247	283	319
COUNTY : MONTAGUE	TX	167	205	240	275	307
COUNTY : PALO PINTO	TX	167	205	240	275	307
COUNTY : REAGAN	TX	182	221	257	297	333
COUNTY : RUNNELS	TX	171	209	247	283	319
COUNTY : SAN SABA	TX	171	209	247	283	319
COUNTY : SCHLEICHER	TX	171	209	247	283	319
COUNTY : SHACKLEFORD	TX	171	209	247	283	319
COUNTY : SOMERVELL	TX	167	205	240	275	307
COUNTY : STEPHENS	TX	171	209	247	283	319
COUNTY : STERLING	TX	171	209	247	283	319
COUNTY : SUTTON	TX	171	209	247	283	319
COUNTY : THROCKMORTON	TX	188	230	270	307	348
COUNTY : WILBARGER	TX	188	230	270	307	348
COUNTY : YOUNG	TX	188	230	270	307	348
SMSA : BEAUMONT-PORT ARTHUR-ORANGE, TX		191	231	269	307	346
SMSA : BRYAN-COLLEGE STATION, TX		225	255	299	341 (1)	387 (5)
SMSA : GALVESTON-TEXAS CITY, TX		208	252	298	342 (1)	386 (5)

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)			0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 6 DALLAS, TEXAS AREA OFFICE							
SMSA : HOUSTON, TX			245	296	347	398	445
COUNTY : ANGELINA		TX	156	193	228	259	294
COUNTY : AUSTIN		TX	178	215	255	290	326
COUNTY : BURLESON		TX	179	217	255	294	327
COUNTY : CHAMBERS		TX	178	215	255	290	326
COUNTY : COLORADO		TX	178	215	255	290	326
COUNTY : GRIMES		TX	179	217	255	294	327
COUNTY : HOUSTON		TX	156	193	228	259	294
COUNTY : JASPER		TX	178	215	255	290	326
COUNTY : LEON		TX	179	217	255	294	327
COUNTY : MADISON		TX	179	217	255	294	327
COUNTY : MATAGORDA		TX	186	225	262	302	338
COUNTY : NACOGDOCHES		TX	156	193	228	259	294
COUNTY : NEWTON		TX	178	215	255	290	326
COUNTY : POLK		TX	178	215	255	290	326
COUNTY : ROBERTSON		TX	179	217	255	294	327
COUNTY : SABINE		TX	149	180	211	244	274
COUNTY : SAN AUGUSTIN		TX	149	180	211	244	274
COUNTY : SAN JACINTO		TX	178	215	255	290	326
COUNTY : SHELBY		TX	149	180	211	244	274
COUNTY : TRINITY		TX	156	193	228	259	294
COUNTY : TYLER		TX	178	215	255	290	326
COUNTY : WALKER		TX	186	225	262	302	338
COUNTY : WASHINGTON		TX	178	215	255	290	326
COUNTY : WHARTON		TX	178	215	255	290	326
SMSA : AMARILLO, TX			166	203	236	273	304
SMSA : EL PASO, TX			201	244	284	326 (1)	368 (4)
SMSA : LUBBOCK, TX			171	209	247	283	319
SMSA : MIDLAND, TX			182	221	257	297	333
SMSA : ODESSA, TX			182	221	257	297	333
COUNTY : ANDREWS		TX	182	221	257	297	333
COUNTY : ARMSTRONG		TX	166	203	236	273	304
COUNTY : BAILEY		TX	171	209	247	283	319
COUNTY : BORDEN		TX	182	221	257	297	333
COUNTY : BREWSTER		TX	182	221	257	297	333
COUNTY : BRISCOE		TX	166	203	236	273	304
COUNTY : CARSON		TX	166	203	236	273	304
COUNTY : CASTRO		TX	166	203	236	273	304
COUNTY : CHILDRESS		TX	188	230	270	307	348
COUNTY : COCHRAN		TX	171	209	247	283	319
COUNTY : COLLINGSWORT		TX	166	203	236	273	304
COUNTY : COTTLE		TX	188	230	270	307	348
COUNTY : CRANE		TX	182	221	257	297	333
COUNTY : CROSBY		TX	171	209	247	283	319
COUNTY : CULBERSON		TX	170	207	246	280	316
COUNTY : DALLAM		TX	166	203	236	273	304

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 6 DALLAS, TEXAS AREA OFFICE						
COUNTY : DAWSON	TX	182	221	257	297	333
COUNTY : DEAF SMITH	TX	166	203	236	273	304
COUNTY : DICKENS	TX	171	209	247	283	319
COUNTY : DONLEY	TX	166	203	236	273	304
COUNTY : FISHER	TX	171	209	247	283	319
COUNTY : FLOYD	TX	171	209	247	283	319
COUNTY : GAINES	TX	182	221	257	297	333
COUNTY : GARZA	TX	171	209	247	283	319
COUNTY : GLASSCOCK	TX	182	221	257	297	333
COUNTY : GRAY	TX	166	203	236	273	304
COUNTY : HALE	TX	171	209	247	283	319
COUNTY : HALL	TX	166	203	236	273	304
COUNTY : HANSFORD	TX	166	203	236	273	304
COUNTY : HARTLEY	TX	166	203	236	273	304
COUNTY : HEMPHILL	TX	166	203	236	273	304
COUNTY : HOCKLEY	TX	156	193	228	259	294
COUNTY : HOWARD	TX	182	221	257	297	333
COUNTY : HUDSPETH	TX	170	207	246	280	316
COUNTY : HUTCHINSON	TX	166	203	236	273	304
COUNTY : JEFF DAVIS	TX	170	207	246	280	316
COUNTY : KENT	TX	171	209	247	283	319
COUNTY : KING	TX	171	209	247	283	319
COUNTY : LAMB	TX	171	209	247	283	319
COUNTY : LIPSCOMB	TX	166	203	236	273	304
COUNTY : LOVING	TX	182	221	257	297	333
COUNTY : LYNN	TX	171	209	247	283	319
COUNTY : MARTIN	TX	182	221	257	297	333
COUNTY : MITCHELL	TX	160	195	232	264	299
COUNTY : MOORE	TX	166	203	236	273	304
COUNTY : MOTLEY	TX	171	209	247	283	319
COUNTY : NOLAN	TX	171	209	247	283	319
COUNTY : OCHILTREE	TX	166	203	236	273	304
COUNTY : OLDHAM	TX	166	203	236	273	304
COUNTY : PARMER	TX	166	203	236	273	304
COUNTY : PECOS	TX	182	221	257	297	333
COUNTY : PRESIDIO	TX	170	207	246	280	316
COUNTY : REEVES	TX	182	221	257	297	333
COUNTY : ROBERTS	TX	166	203	236	273	304
COUNTY : SCURRY	TX	171	209	247	283	319
COUNTY : SHERMAN	TX	166	203	236	273	304
COUNTY : STONEWALL	TX	171	209	247	283	319
COUNTY : SWISHER	TX	166	203	236	273	304
COUNTY : TERRELL	TX	182	221	257	297	333
COUNTY : TERRY	TX	171	209	247	283	319
COUNTY : UPTON	TX	182	221	257	297	333
COUNTY : WARD	TX	182	221	257	297	333

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)			0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 6 DALLAS, TEXAS AREA OFFICE							
COUNTY : WHEELER	TX		166	203	236	273	304
COUNTY : WINKLER	TX		182	221	257	297	333
COUNTY : YOAKUM	TX		171	209	247	283	319
SMSA : LONGVIEW-MARSHALL, TX			156	193	228	259	294
COUNTY : CASS	TX		137	169	200	230	257
COUNTY : MARION	TX		146	180	211	244	274
COUNTY : MORRIS	TX		137	169	200	230	257
COUNTY : PANOLA	TX		146	180	211	244	274
REGION - 6 LITTLE ROCK, ARKANSAS AREA OFFICE							
SMSA : FAYETTEVILLE-SPRINGDALE, AR			167	205	240	275	307
SMSA : FORT SMITH, AR-OK			159	194	230	261	295
SMSA : LITTLE ROCK-NORTH LITTLE ROCK, AR			182	220	257	295	330
SMSA : MEMPHIS, TN-AR-MS			208	253	296	337	378
SMSA : PINE BLUFF, AR			161	197	232	266	302
SMSA : TEXARKANA, TX-AR			156	193	228	259	294
COUNTY : ARKANSAS	AR		161	197	232	266	302
COUNTY : ASHLEY	AR		146	180	211	244	274
COUNTY : BAXTER	AR		170	207	246	280	316
COUNTY : BOONE	AR		170	207	246	280	316
COUNTY : BRADLEY	AR		146	180	211	244	274
COUNTY : CALHOUN	AR		146	180	211	244	274
COUNTY : CARROLL	AR		170	207	246	280	316
COUNTY : CHICOT	AR		146	180	211	244	274
COUNTY : CLARK	AR		143	176	208	240	269
COUNTY : CLAY	AR		160	195	232	264	299
COUNTY : CLEBURNE	AR		156	192	225	258	293
COUNTY : CLEVELAND	AR		161	197	232	266	302
COUNTY : COLUMBIA	AR		146	180	211	244	274
COUNTY : CONWAY	AR		143	176	208	240	269
COUNTY : CRAIGHEAD	AR		160	195	232	264	299
COUNTY : CROSS	AR		160	195	232	264	299
COUNTY : DALLAS	AR		146	180	211	244	274
COUNTY : DESHA	AR		146	180	211	244	274
COUNTY : DREW	AR		146	180	211	244	274
COUNTY : FAULKNER	AR		143	176	208	240	269
COUNTY : FRANKLIN	AR		144	179	209	243	271
COUNTY : FULTON	AR		156	192	225	258	293
COUNTY : GARLAND	AR		143	176	208	240	269
COUNTY : GRANT	AR		161	197	232	266	302
COUNTY : GREENE	AR		160	195	232	264	299
COUNTY : HEMPSTEAD	AR		137	169	200	230	257
COUNTY : HOTSPRING	AR		143	176	208	240	269

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 6 LITTLE ROCK, ARKANSAS AREA OFFICE						
COUNTY : HOWARD	AR	137	169	200	230	257
COUNTY : INDEPENDENCE	AR	156	192	225	258	293
COUNTY : IZARD	AR	156	192	225	258	293
COUNTY : JACKSON	AR	161	197	232	266	302
COUNTY : JOHNSON	AR	143	176	208	240	269
COUNTY : LAFAYETTE	AR	137	169	200	230	257
COUNTY : LAWRENCE	AR	160	195	232	264	299
COUNTY : LEE	AR	160	195	232	264	299
COUNTY : LINCOLN	AR	161	197	232	266	302
COUNTY : LOGAN	AR	144	179	209	243	271
COUNTY : LONOKE	AR	161	197	232	266	302
COUNTY : MADISON	AR	167	205	240	275	307
COUNTY : MARION	AR	170	207	246	280	316
COUNTY : MISSISSIPPI	AR	160	195	232	264	299
COUNTY : MONROE	AR	161	197	232	266	302
COUNTY : MONTGOMERY	AR	143	176	208	240	269
COUNTY : NEVADA	AR	137	169	200	230	257
COUNTY : NEWTON	AR	170	207	246	280	316
COUNTY : OUACHITA	AR	146	180	211	244	274
COUNTY : PERRY	AR	143	176	208	240	269
COUNTY : PHILLIPS	AR	160	195	232	264	299
COUNTY : PIKE	AR	143	176	208	240	269
COUNTY : POINSETT	AR	160	195	232	264	299
COUNTY : POLK	AR	144	179	209	243	271
COUNTY : POPE	AR	143	176	208	240	269
COUNTY : PRAIRIE	AR	161	197	232	266	302
COUNTY : RANDOLPH	AR	160	195	232	264	299
COUNTY : ST FRANCIS	AR	160	195	232	264	299
COUNTY : SCOTT	AR	144	179	209	243	271
COUNTY : SEARCY	AR	170	207	246	280	316
COUNTY : SEVIER	AR	137	169	200	230	257
COUNTY : SHARP	AR	156	192	225	258	293
COUNTY : STONE	AR	156	192	225	258	293
COUNTY : UNION	AR	146	180	211	244	274
COUNTY : VAN BUREN	AR	156	192	225	258	293
COUNTY : WHITE	AR	161	197	232	266	302
COUNTY : WOODRUFF	AR	161	197	232	266	302
COUNTY : YELL	AR	144	179	209	243	271
REGION - 6 NEW ORLEANS, LOUISIANA AREA OFFICE						
SMSA : BATON ROUGE, LA		222	267	312	359 (3)	407 (7)
SMSA : LAFAYETTE, LA		195	235	277	316	357 (2)
SMSA : LAKE CHARLES, LA		195	235	277	316	357 (2)

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)			0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 6 NEW ORLEANS, LOUISIANA AREA OFFICE							
SMSA	:	NEW ORLEANS, LA	202 (4)	246 (5)	290 (10)	333 (14)	377 (19)
PARISH	:	ACADIA	LA 166	203	236	273	304
PARISH	:	ALLEN	LA 186	226	265	303	341
PARISH	:	ASSUMPTION	LA 166	203	236	273	304
PARISH	:	BEAUREGARD	LA 186	226	265	303	341
PARISH	:	CAMERON	LA 186	226	265	303	341
PARISH	:	E FELICIANA	LA 148	183	213	247	276
PARISH	:	EVANGELINE	LA 166	203	236	273	304
PARISH	:	IBERIA	LA 166	203	236	273	304
PARISH	:	IBERVILLE	LA 148	183	213	247	276
PARISH	:	JEFFERSON DA	LA 186	226	265	303	341
PARISH	:	LAFOURCHE	LA 176	215	251	288	320
PARISH	:	PLAQUEMINES	LA 166	203	236	273	304
PARISH	:	POINTE COUPE	LA 148	183	213	247	276
PARISH	:	ST CHARLES	LA 166	203	236	273	304
PARISH	:	ST HELENA	LA 148	183	213	247	276
PARISH	:	ST JAMES	LA 166	203	236	273	304
PARISH	:	ST JOHN THE	LA 166	203	236	273	304
PARISH	:	ST LANDRY	LA 166	203	236	273	304
PARISH	:	ST MARTIN	LA 166	203	236	273	304
PARISH	:	ST MARY	LA 166	203	236	273	304
PARISH	:	TANGIPAHOA	LA 166	203	236	273	304
PARISH	:	TERREBONNE	LA 176	215	251	288	320
PARISH	:	VERMILION	LA 166	203	236	273	304
PARISH	:	WASHINGTON	LA 166	203	236	273	304
PARISH	:	W FELICIANA	LA 148	183	213	247	276
SMSA	:	ALEXANDRIA, LA	156	193	228	259	294
SMSA	:	MONROE, LA	156	193	228	259	294
SMSA	:	SHREVEPORT, LA	177	212	251	286	320
PARISH	:	AVOYELLES	LA 156	193	228	259	294
PARISH	:	BIENVILLE	LA 156	193	228	259	294
PARISH	:	CALDWELL	LA 156	193	228	259	294
PARISH	:	CATAHOULA	LA 156	193	228	259	294
PARISH	:	CLAIBORNE	LA 146	180	211	244	274
PARISH	:	CONCORDIA	LA 148	183	213	247	276
PARISH	:	DE SOTO	LA 156	193	228	259	294
PARISH	:	EAST CARROLL	LA 156	193	228	259	294
PARISH	:	FRANKLIN	LA 156	193	228	259	294
PARISH	:	JACKSON	LA 156	193	228	259	294
PARISH	:	LA SALLE	LA 156	193	228	259	294
PARISH	:	LINCOLN	LA 156	193	228	259	294
PARISH	:	MADISON	LA 156	193	228	259	294
PARISH	:	MOREHOUSE	LA 156	193	228	259	294
PARISH	:	NATCHITOCHES	LA 156	193	228	259	294
PARISH	:	RED RIVER	LA 156	193	228	259	294
PARISH	:	RICHLAND	LA 156	193	228	259	294

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 6 NEW ORLEANS, LOUISIANA AREA OFFICE						
PARISH : SABINE	LA	156	193	228	259	294
PARISH : TENSAS	LA	156	193	228	259	294
PARISH : UNION	LA	156	193	228	259	294
PARISH : VERNON	LA	170	206	243	277	312
PARISH : WEST CARROLL	LA	156	193	228	259	294
PARISH : WINN	LA	156	193	228	259	294
REGION - 6 OKLAHOMA CITY, OKLAHOMA AREA OFFICE						
SMSA : ENID, OK.		167	205	240	275	307
SMSA : LAWTON, OK		188	230	270	307	348
SMSA : OKLAHOMA CITY, OK		214	258	304	346	386
COUNTY : ALFALFA	OK	159	194	230	261	295
COUNTY : BEAVER	OK	167	205	240	275	307
COUNTY : BECKHAM	OK	167	205	240	275	307
COUNTY : BLAINE	OK	159	194	230	261	295
COUNTY : CADDO	OK	188	230	270	307	348
COUNTY : CARTER	OK	149	184	216	249	279
COUNTY : CIMARRON	OK	167	205	240	275	307
COUNTY : COTTON	OK	188	230	270	307	348
COUNTY : CUSTER	OK	167	205	240	275	307
COUNTY : DEWEY	OK	159	194	230	261	295
COUNTY : ELLIS	OK	159	194	230	261	295
COUNTY : GARVIN	OK	149	184	216	249	279
COUNTY : GRADY	OK	188	230	270	307	348
COUNTY : GRANT	OK	159	194	230	261	295
COUNTY : GREER	OK	188	230	270	307	348
COUNTY : HARMON	OK	188	230	270	307	348
COUNTY : HARPER	OK	159	194	230	261	295
COUNTY : JACKSON	OK	188	230	270	307	348
COUNTY : JEFFERSON	OK	188	230	270	307	348
COUNTY : JOHNSTON	OK	137	169	200	230	257
COUNTY : KAY	OK	159	194	230	261	295
COUNTY : KINGFISHER	OK	159	194	230	261	295
COUNTY : KIOWA	OK	188	230	270	307	348
COUNTY : LINCOLN	OK	159	194	230	261	295
COUNTY : LOGAN	OK	159	194	230	261	295
COUNTY : LOVE	OK	137	169	200	230	257
COUNTY : MAJOR	OK	159	194	230	261	295
COUNTY : MARSHALL	OK	167	205	240	275	307
COUNTY : MURRAY	OK	137	169	200	230	257
COUNTY : NOBLE	OK	159	194	230	261	295
COUNTY : PAYNE	OK	188	230	270	307	348
COUNTY : PONTOTOC	OK	149	184	216	249	279

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 6 OKLAHOMA CITY, OKLAHOMA AREA OFFICE						
COUNTY : ROGER MILLS	OK	159	194	230	261	295
COUNTY : SEMINOLE	OK	159	194	230	261	295
COUNTY : STEPHENS	OK	188	230	270	307	348
COUNTY : TEXAS	OK	167	205	240	275	307
COUNTY : TILLMAN	OK	188	230	270	307	348
COUNTY : WASHITA	OK	159	194	230	261	295
COUNTY : WOODS	OK	159	194	230	261	295
COUNTY : WOODWARD	OK	167	205	240	275	307
SMSA : FORT SMITH, AR-OK		159	194	230	261	295
SMSA : TULSA, OK		203	244	287	328 (1)	371 (4)
COUNTY : ADAIR	OK	152	186	219	253	282
COUNTY : ATOKA	OK	137	169	200	230	257
COUNTY : BRYAN	OK	152	186	219	253	282
COUNTY : CHEROKEE	OK	152	186	219	253	282
COUNTY : CHOCTAW	OK	137	169	200	230	257
COUNTY : COAL	OK	137	169	200	230	257
COUNTY : CRAIG	OK	149	184	216	249	279
COUNTY : DELAWARE	OK	167	205	240	275	307
COUNTY : HASKELL	OK	149	184	216	249	279
COUNTY : HUGHES	OK	137	169	200	230	257
COUNTY : LATIMER	OK	149	184	216	249	279
COUNTY : MCCURTAIN	OK	149	184	216	249	279
COUNTY : MCINTOSH	OK	146	178	208	240	270
COUNTY : MUSKOGEE	OK	152	186	219	253	282
COUNTY : NOWATA	OK	159	194	230	261	295
COUNTY : OKFUSKEE	OK	146	178	208	240	270
COUNTY : OKMULGEE	OK	146	178	208	240	270
COUNTY : OTTAWA	OK	149	184	216	249	279
COUNTY : PAWNEE	OK	159	194	230	261	295
COUNTY : PITTSBURG	OK	149	184	216	249	279
COUNTY : PUSHMATAHA	OK	149	184	216	249	279
COUNTY : WASHINGTON	OK	167	205	240	275	307
REGION - 6 SAN ANTONIO, TEXAS AREA OFFICE						
SMSA : AUSTIN, TX		262	315 (1)	368 (5)	423 (12)	478 (16)
SMSA : BROWNSVILLE-HARLINGEN-SAN BENITO, TX		203	244	287	328 (1)	371 (4)
SMSA : CORPUS CHRISTI, TX		197	240	280	321 (1)	363 (3)
SMSA : LAREDO, TX		206	253	296	339 (1)	383 (4)
SMSA : MC ALLEN-PHARR-EDINBURG, TX		203	244	287	328 (1)	371 (4)
SMSA : SAN ANTONIO, TX		237	288	336	384	432
SMSA : VICTORIA, TX		208	252	298	341 (1)	386 (5)
COUNTY : ARANSAS	TX	206	253	296	339 (1)	383 (4)
COUNTY : ATASCOSA	TX	168	206	242	277	310

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 6 SAN ANTONIO, TEXAS AREA OFFICE						
COUNTY : BANDERA	TX	190	232	272	309	349
COUNTY : BASTROP	TX	179	217	255	294	327
COUNTY : BEE	TX	206	253	296	339 (1)	383 (4)
COUNTY : BLANCO	TX	179	217	255	294	327
COUNTY : BROOKS	TX	206	253	296	339 (1)	383 (4)
COUNTY : BURNET	TX	179	217	255	294	327
COUNTY : CALDWELL	TX	179	217	255	294	327
COUNTY : CALHOUN	TX	168	206	242	277	310
COUNTY : DE WITT	TX	168	206	242	277	310
COUNTY : DIMMIT	TX	206	253	296	339 (1)	383 (4)
COUNTY : DUVAL	TX	206	253	296	339 (1)	383 (4)
COUNTY : EDWARDS	TX	168	206	242	277	310
COUNTY : FAYETTE	TX	178	215	255	290	326
COUNTY : FRIO	TX	168	206	242	277	310
COUNTY : GILLESPIE	TX	168	206	242	277	310
COUNTY : GOLIAD	TX	168	206	242	277	310
COUNTY : GONZALES	TX	168	206	242	277	310
COUNTY : JACKSON	TX	168	206	242	277	310
COUNTY : JIM HOGG	TX	206	253	296	339 (1)	383 (4)
COUNTY : JIM WELLS	TX	206	253	296	339 (1)	383 (4)
COUNTY : KARNES	TX	168	206	242	277	310
COUNTY : KENDALL	TX	168	206	242	277	310
COUNTY : KENEDY	TX	206	253	296	339 (1)	383 (4)
COUNTY : KERR	TX	168	206	242	277	310
COUNTY : KINNEY	TX	168	206	242	277	310
COUNTY : KLEBERG	TX	206	253	296	339 (1)	383 (4)
COUNTY : LA SALLE	TX	206	253	296	339 (1)	383 (4)
COUNTY : LAUACA	TX	168	206	242	277	310
COUNTY : LEE	TX	179	217	255	294	327
COUNTY : LIVE OAK	TX	206	253	296	339 (1)	383 (4)
COUNTY : LLANO	TX	179	217	255	294	327
COUNTY : MCMULLEN	TX	206	253	296	339 (1)	383 (4)
COUNTY : MAVERICK	TX	168	206	242	277	310
COUNTY : MEDINA	TX	168	206	242	277	310
COUNTY : REAL	TX	168	206	242	277	310
COUNTY : REFUGIO	TX	206	253	296	339 (1)	383 (4)
COUNTY : STARR	TX	206	253	296	339 (1)	383 (4)
COUNTY : UVALDE	TX	168	206	242	277	310
COUNTY : VAL VERDE	TX	168	206	242	277	310
COUNTY : WILLACY	TX	206	253	296	339 (1)	383 (4)
COUNTY : WILSON	TX	168	206	242	277	310
COUNTY : ZAPATA	TX	206	253	296	339 (1)	383 (4)
COUNTY : ZAVALA	TX	168	206	242	277	310
REGION - 7 KANSAS CITY, MISSOURI AREA OFFICE						
SMSA : JOPLIN, MO		151	175	214	242	268

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION-(SEE NOTES AT END OF SCHEDULE)			0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION	: KANSAS CITY, MISSOURI AREA OFFICE						
SMSA	: KANSAS CITY, MO KS		212	256	298	344	383
SMSA	: ST JOSEPH, MO		157	194	228	264	297
SMSA	: SPRINGFIELD, MO		171	203	244	281	316
COUNTY	: ATCHISON	MO	157	194	228	264	297
COUNTY	: BARRY	MO	155	189	223	259	292
COUNTY	: BARTON	MO	136	167	199	230	259
COUNTY	: BATES	MO	157	194	228	264	297
COUNTY	: BENTON	MO	157	194	228	264	297
COUNTY	: CALDWELL	MO	168	205	244	279	317
COUNTY	: CAMDEN	MO	190	229	270	312	351
COUNTY	: CARROLL	MO	157	194	228	264	297
COUNTY	: CEDAR	MO	136	167	199	230	259
COUNTY	: CHARITON	MO	190	229	270	312	351
COUNTY	: CLINTON	MO	157	194	228	264	297
COUNTY	: DADE	MO	155	189	223	259	292
COUNTY	: DALLAS	MO	155	189	223	259	292
COUNTY	: DAVIESS	MO	168	205	244	279	317
COUNTY	: DE KALB	MO	157	194	228	264	297
COUNTY	: GENTRY	MO	157	194	228	264	297
COUNTY	: GRUNDY	MO	168	205	244	279	317
COUNTY	: HARRISON	MO	168	205	244	279	317
COUNTY	: HENRY	MO	157	194	228	264	297
COUNTY	: HICKORY	MO	155	189	223	259	292
COUNTY	: HOLT	MO	157	194	228	264	297
COUNTY	: JOHNSON	MO	175	204	251	276	306
COUNTY	: LACLEDE	MO	168	204	244	278	315
COUNTY	: LAFAYETTE	MO	157	194	228	264	297
COUNTY	: LAWRENCE	MO	155	189	223	259	292
COUNTY	: LINN	MO	168	205	244	279	317
COUNTY	: LIVINGSTON	MO	168	205	244	279	317
COUNTY	: MCDONALD	MO	136	167	199	230	259
COUNTY	: MERCER	MO	168	205	244	279	317
COUNTY	: MILLER	MO	190	229	270	312	351
COUNTY	: MORGAN	MO	190	229	270	312	351
COUNTY	: NODAWAY	MO	175	204	251	276	306
COUNTY	: PETTIS	MO	157	194	228	264	297
COUNTY	: POLK	MO	155	189	223	259	292
COUNTY	: PULASKI	MO	168	204	244	278	315
COUNTY	: PUTNAM	MO	168	205	244	279	317
COUNTY	: ST CLAIR	MO	136	167	199	230	259
COUNTY	: SALINE	MO	157	194	228	264	297
COUNTY	: STONE	MO	155	189	223	259	292
COUNTY	: SULLIVAN	MO	168	205	244	279	317
COUNTY	: TANEY	MO	155	189	223	259	292
COUNTY	: VERNON	MO	136	167	199	230	259
COUNTY	: WEBSTER	MO	155	189	223	259	292

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)			0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 7 KANSAS CITY, MISSOURI AREA OFFICE							
COUNTY	: WORTH	MO	157	194	228	264	297
SMSA	: KANSAS CITY, MO-KS		212	256	298	344	383
SMSA	: LAWRENCE, KS		228	265	316	368	400
SMSA	: TOPEKA, KS		203	245	289	330	372
SMSA	: WICHITA, KS		199 (5)	234 (8)	274 (11)	324 (15)	358 (20)
COUNTY	: ALLEN	KS	136	167	199	230	259
COUNTY	: ANDERSON	KS	162	200	237	273	309
COUNTY	: ATCHISON	KS	162	200	237	273	309
COUNTY	: BARBER	KS	145	178	212	245	275
COUNTY	: BARTON	KS	156	190	226	261	293
COUNTY	: BOURBON	KS	136	167	199	230	259
COUNTY	: BROWN	KS	162	200	237	273	309
COUNTY	: CHASE	KS	145	178	212	245	275
COUNTY	: CHAUTAUQUA	KS	145	178	212	245	275
COUNTY	: CHEROKEE	KS	136	167	199	230	259
COUNTY	: CHEYENNE	KS	156	190	226	261	293
COUNTY	: CLARK	KS	145	178	212	245	275
COUNTY	: CLAY	KS	156	190	226	261	293
COUNTY	: CLOUD	KS	156	190	226	261	293
COUNTY	: COFFEY	KS	162	200	237	273	309
COUNTY	: COMANCHE	KS	145	178	212	245	275
COUNTY	: COWLEY	KS	145	178	212	245	275
COUNTY	: CRAWFORD	KS	136	167	199	230	259
COUNTY	: DECATUR	KS	156	190	226	261	293
COUNTY	: DICKINSON	KS	156	190	226	261	293
COUNTY	: DONIPHAN	KS	162	200	237	273	309
COUNTY	: EDWARDS	KS	145	178	212	245	275
COUNTY	: ELK	KS	145	178	212	245	275
COUNTY	: ELLIS	KS	156	190	226	261	293
COUNTY	: ELLSWORTH	KS	156	190	226	261	293
COUNTY	: FINNEY	KS	145	178	212	245	275
COUNTY	: FORD	KS	145	178	212	245	275
COUNTY	: FRANKLIN	KS	162	200	237	273	309
COUNTY	: GEARY	KS	162	200	237	273	309
COUNTY	: GOVE	KS	156	190	226	261	293
COUNTY	: GRAHAM	KS	156	190	226	261	293
COUNTY	: GRANT	KS	145	178	212	245	275
COUNTY	: GRAY	KS	145	178	212	245	275
COUNTY	: GREELEY	KS	156	190	226	261	293
COUNTY	: GREENWOOD	KS	145	178	212	245	275
COUNTY	: HAMILTON	KS	145	178	212	245	275
COUNTY	: HARPER	KS	145	178	212	245	275
COUNTY	: HARVEY	KS	158	192	224	268	284
COUNTY	: HASKELL	KS	145	178	212	245	275

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 7 KANSAS CITY, MISSOURI AREA OFFICE						
COUNTY : HODGEMAN	KS	145	178	212	245	275
COUNTY : JACKSON	KS	162	200	237	273	309
COUNTY : JEWELL	KS	156	190	226	261	293
COUNTY : KEARNY	KS	145	178	212	245	275
COUNTY : KINGMAN	KS	145	178	212	245	275
COUNTY : KIOWA	KS	145	178	212	245	275
COUNTY : LABETTE	KS	136	167	199	230	259
COUNTY : LANE	KS	156	190	226	261	293
COUNTY : LEAVENWORTH	KS	203	245	289	330	372
COUNTY : LINCOLN	KS	156	190	226	261	293
COUNTY : LINN	KS	162	200	237	273	309
COUNTY : LOGAN	KS	156	190	226	261	293
COUNTY : LYON	KS	162	200	237	273	309
COUNTY : MCPHERSON	KS	156	190	226	261	293
COUNTY : MARION	KS	145	178	212	245	275
COUNTY : MARSHALL	KS	162	200	237	273	309
COUNTY : MEADE	KS	145	178	212	245	275
COUNTY : MIAMI	KS	162	200	237	273	309
COUNTY : MITCHELL	KS	156	190	226	261	293
COUNTY : MONTGOMERY	KS	136	167	199	230	259
COUNTY : MORRIS	KS	156	190	226	261	293
COUNTY : MORTON	KS	145	178	212	245	275
COUNTY : NEMAHA	KS	162	200	237	273	309
COUNTY : NEOSHO	KS	136	167	199	230	259
COUNTY : NESS	KS	156	190	226	261	293
COUNTY : NORTON	KS	156	190	226	261	293
COUNTY : OSBORNE	KS	156	190	226	261	293
COUNTY : OTTAWA	KS	156	190	226	261	293
COUNTY : PAWNEE	KS	145	178	212	245	275
COUNTY : PHILLIPS	KS	156	190	226	261	293
COUNTY : POTTAWATOMIE	KS	162	200	237	273	309
COUNTY : PRATT	KS	145	178	212	245	275
COUNTY : RAWLINS	KS	156	190	226	261	293
COUNTY : RENO	KS	145	178	212	245	275
COUNTY : REPUBLIC	KS	156	190	226	261	293
COUNTY : RICE	KS	156	190	226	261	293
COUNTY : RILEY	KS	190	233	271	315	352
COUNTY : ROOKS	KS	156	190	226	261	293
COUNTY : RUSH	KS	156	190	226	261	293
COUNTY : RUSSELL	KS	156	190	226	261	293
COUNTY : SALINE	KS	156	190	226	261	293
COUNTY : SCOTT	KS	156	190	226	261	293
COUNTY : SEWARD	KS	145	178	212	245	275
COUNTY : SHERIDAN	KS	156	190	226	261	293
COUNTY : SHERMAN	KS	156	190	226	261	293
COUNTY : SMITH	KS	156	190	226	261	293

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 7 KANSAS CITY, MISSOURI AREA OFFICE						
COUNTY : STAFFORD	KS	145	178	212	245	275
COUNTY : STANTON	KS	145	178	212	245	275
COUNTY : STEVENS	KS	145	178	212	245	275
COUNTY : SUMNER	KS	145	178	212	245	275
COUNTY : THOMAS	KS	156	190	226	261	293
COUNTY : TREGO	KS	156	190	226	261	293
COUNTY : WABAUNSEE	KS	162	200	237	273	309
COUNTY : WALLACE	KS	156	190	226	261	293
COUNTY : WASHINGTON	KS	162	200	237	273	309
COUNTY : WICHITA	KS	156	190	226	261	293
COUNTY : WILSON	KS	136	167	199	230	259
COUNTY : WOODSON	KS	136	167	199	230	259
REGION - 7 OMAHA, NEBRASKA AREA OFFICE						
SMSA : CEDAR RAPIDS, IA		224	270	314	361	405
SMSA : DAVENPORT-ROCK ISLAND-MOLINE, IA-IL		228	277	325	373	420
SMSA : DES MOINES, IA		239	287	336	383	430
SMSA : DUBUQUE, IA		193	250	324	384	419
SMSA : IOWA CITY, IA.		224	270	314	361	405
SMSA : OMAHA, NE-IA		215	259	307	352	396
SMSA : SIOUX CITY, IA-NE		201	258	315	366	406
SMSA : WATERLOO-CEDAR FALLS, IA		192	233	274	315	355
COUNTY : ADAIR	IA	179	217	260	297	334
COUNTY : ADAMS	IA	179	217	260	297	334
COUNTY : ALLAMAKEE	IA	175	215	252	292	328
COUNTY : APPANOOSE	IA	179	217	260	297	334
COUNTY : AUDUBON	IA	173	212	249	287	324
COUNTY : BENTON	IA	211	256	299	341	385
COUNTY : BOONE	IA	179	217	260	297	334
COUNTY : BREMER	IA	192	233	274	315	355
COUNTY : BUCHANAN	IA	192	233	274	315	355
COUNTY : BUENA VISTA	IA	172	211	247	286	319
COUNTY : BUTLER	IA	192	233	274	315	355
COUNTY : CALHOUN	IA	172	211	247	286	319
COUNTY : CARROLL	IA	173	212	249	287	324
COUNTY : CASS	IA	172	211	247	286	319
COUNTY : CEDAR	IA	211	256	299	341	385
COUNTY : CERRO GORDO	IA	192	233	274	315	355
COUNTY : CHEROKEE	IA	173	212	249	287	324
COUNTY : CHICKASAW	IA	192	233	274	315	355
COUNTY : CLARKE	IA	179	217	260	297	334
COUNTY : CLAY	IA	172	211	247	286	319
COUNTY : CLAYTON	IA	175	215	252	292	328

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 7 OMAHA, NEBRASKA AREA OFFICE						
COUNTY : CLINTON	IA	194	236	278	318	360
COUNTY : CRAWFORD	IA	173	212	249	287	324
COUNTY : DALLAS	IA	179	217	260	297	334
COUNTY : DAVIS	IA	179	217	260	297	334
COUNTY : DECATUR	IA	179	217	260	297	334
COUNTY : DELAWARE	IA	175	215	252	292	328
COUNTY : DES MOINES	IA	177	214	254	294	330
COUNTY : DICKINSON	IA	172	211	247	286	319
COUNTY : EMMET	IA	172	211	247	286	319
COUNTY : FAYETTE	IA	192	233	274	315	355
COUNTY : FLOYD	IA	192	233	274	315	355
COUNTY : FRANKLIN	IA	192	233	274	315	355
COUNTY : FREMONT	IA	173	211	247	286	319
COUNTY : GREENE	IA	173	212	249	287	324
COUNTY : GRUNDY	IA	192	233	274	315	355
COUNTY : GUTHRIE	IA	173	212	249	287	324
COUNTY : HAMILTON	IA	172	211	247	286	319
COUNTY : HANCOCK	IA	192	233	274	315	355
COUNTY : HARDIN	IA	192	233	274	315	355
COUNTY : HARRISON	IA	172	211	247	286	319
COUNTY : HENRY	IA	177	214	254	294	330
COUNTY : HOWARD	IA	175	215	252	292	328
COUNTY : HUMBOLDT	IA	172	211	247	286	319
COUNTY : IDA	IA	173	212	249	287	324
COUNTY : IOWA	IA	211	256	299	341	385
COUNTY : JACKSON	IA	175	215	252	292	328
COUNTY : JASPER	IA	179	217	260	297	334
COUNTY : JEFFERSON	IA	179	217	260	297	334
COUNTY : JONES	IA	211	256	299	341	385
COUNTY : KEOKUK	IA	179	217	260	297	334
COUNTY : KOSSUTH	IA	192	233	274	315	355
COUNTY : LEE	IA	177	214	254	294	330
COUNTY : LOUISA	IA	194	236	278	318	360
COUNTY : LUCAS	IA	179	217	260	297	334
COUNTY : LYON	IA	192	233	274	315	355
COUNTY : MADISON	IA	179	217	260	297	334
COUNTY : MAHASKA	IA	179	217	260	297	334
COUNTY : MARION	IA	179	217	260	297	334
COUNTY : MARSHALL	IA	179	217	260	297	334
COUNTY : MILLS	IA	172	211	247	286	319
COUNTY : MITCHELL	IA	192	233	274	315	355
COUNTY : MONONA	IA	173	212	249	287	324
COUNTY : MONROE	IA	179	217	260	297	334
COUNTY : MONTGOMERY	IA	172	211	247	286	319
COUNTY : MUSCATINE	IA	194	236	278	318	360
COUNTY : O BRIEN	IA	173	212	249	287	324

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)			0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 7 OMAHA, NEBRASKA AREA OFFICE							
COUNTY	: OSCEOLA	IA	192	233	274	315	355
COUNTY	: PAGE	IA	172	211	247	286	319
COUNTY	: PALO ALTO	IA	172	211	247	286	319
COUNTY	: PLYMOUTH	IA	173	212	249	287	324
COUNTY	: POCAHONTAS	IA	172	211	247	286	319
COUNTY	: POWESHIEK	IA	179	217	260	297	334
COUNTY	: RINGGOLD	IA	179	217	260	297	334
COUNTY	: SAC	IA	173	212	249	287	324
COUNTY	: SHELBY	IA	172	211	247	286	319
COUNTY	: SIOUX	IA	173	212	249	287	324
COUNTY	: STORY	IA	213	259	302	344	388
COUNTY	: TAMA	IA	179	217	260	297	334
COUNTY	: TAYLOR	IA	179	217	260	297	334
COUNTY	: UNION	IA	179	217	260	297	334
COUNTY	: VAN BUREN	IA	179	217	260	297	334
COUNTY	: WAPELLO	IA	206	249	292	332	373
COUNTY	: WASHINGTON	IA	194	236	278	318	360
COUNTY	: WAYNE	IA	179	217	260	297	334
COUNTY	: WEBSTER	IA	172	211	247	286	319
COUNTY	: WINNEBAGO	IA	192	233	274	315	355
COUNTY	: WINNESHIEK	IA	175	215	252	292	328
COUNTY	: WORTH	IA	192	233	274	315	355
COUNTY	: WRIGHT	IA	172	211	247	286	319
SMSA	: LINCOLN, NE		227	274	323	369	417
SMSA	: OMAHA, NE-IA		215	259	307	352	396
SMSA	: SIOUX CITY, IA-NE		201	258	315	366	406
COUNTY	: ADAMS	NE	163	220	286	355	391
COUNTY	: ANTELOPE	NE	163	202	239	275	311
COUNTY	: ARTHUR	NE	163	202	239	275	311
COUNTY	: BANNER	NE	161	199	235	269	305
COUNTY	: BLAINE	NE	163	202	239	275	311
COUNTY	: BOONE	NE	163	202	239	275	311
COUNTY	: BOX BUTTE	NE	196	238	279	322	362
COUNTY	: BOYD	NE	163	202	239	275	311
COUNTY	: BROWN	NE	163	202	239	275	311
COUNTY	: BUFFALO	NE	163	202	239	275	311
COUNTY	: BURT	NE	172	211	247	286	319
COUNTY	: BUTLER	NE	172	211	247	286	319
COUNTY	: CASS	NE	172	211	247	286	319
COUNTY	: CEDAR	NE	173	212	249	287	324
COUNTY	: CHASE	NE	189	228	268	310	348
COUNTY	: CHERRY	NE	163	202	239	275	311
COUNTY	: CHEYENNE	NE	161	199	235	269	305
COUNTY	: CLAY	NE	163	202	239	275	311

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 7 OMAHA, NEBRASKA AREA OFFICE						
COUNTY : COLFAX	NE	172	211	247	286	319
COUNTY : CUMING	NE	173	212	249	287	324
COUNTY : CUSTER	NE	162	202	239	275	311
COUNTY : DAWES	NE	161	199	235	269	305
COUNTY : DAWSON	NE	163	202	239	275	311
COUNTY : DEUEL	NE	161	199	235	269	305
COUNTY : DIXON	NE	173	212	249	287	324
COUNTY : DODGE	NE	172	211	247	286	319
COUNTY : DUNDY	NE	189	228	268	310	348
COUNTY : FILLMORE	NE	172	211	247	286	319
COUNTY : FRANKLIN	NE	162	202	239	275	311
COUNTY : FRONTIER	NE	163	202	239	275	311
COUNTY : FURNAS	NE	163	202	239	275	311
COUNTY : GAGE	NE	201	244	287	328	368
COUNTY : GARDEN	NE	161	199	235	269	305
COUNTY : GARFIELD	NE	163	202	239	275	311
COUNTY : GOSPER	NE	163	202	239	275	311
COUNTY : GRANT	NE	163	202	239	275	311
COUNTY : GREELEY	NE	163	202	239	275	311
COUNTY : HALL	NE	163	202	239	287	315
COUNTY : HAMILTON	NE	163	202	239	275	311
COUNTY : HARLAN	NE	163	202	239	275	311
COUNTY : HAYES	NE	163	202	239	275	311
COUNTY : HITCHCOCK	NE	163	202	239	275	311
COUNTY : HOLT	NE	173	212	249	287	324
COUNTY : HOOKER	NE	163	202	239	275	311
COUNTY : HOWARD	NE	163	202	239	275	311
COUNTY : JEFFERSON	NE	172	211	247	286	319
COUNTY : JOHNSON	NE	172	211	247	286	319
COUNTY : KEARNEY	NE	163	202	239	275	311
COUNTY : KEITH	NE	163	202	239	275	311
COUNTY : KEYA PAHA	NE	173	212	249	287	324
COUNTY : KIMBALL	NE	161	199	235	269	305
COUNTY : KNOX	NE	173	212	249	287	324
COUNTY : LINCOLN	NE	163	202	239	275	311
COUNTY : LOGAN	NE	163	202	239	275	311
COUNTY : LOUP	NE	163	202	239	275	311
COUNTY : MCPHERSON	NE	163	202	239	275	311
COUNTY : MADISON	NE	173	212	249	287	324
COUNTY : MERRICK	NE	163	202	239	275	311
COUNTY : MORRILL	NE	161	199	235	269	305
COUNTY : NANCE	NE	163	202	239	275	311
COUNTY : NEMAHA	NE	172	211	247	286	319
COUNTY : NUCKOLLS	NE	163	202	239	275	311
COUNTY : OTOE	NE	172	211	247	286	319
COUNTY : PAWNEE	NE	172	211	247	286	319

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 7 OMAHA, NEBRASKA AREA OFFICE						
COUNTY : PERKINS	NE	189	228	268	310	348
COUNTY : PHELPS	NE	163	202	239	275	311
COUNTY : PIERCE	NE	173	212	249	287	324
COUNTY : PLATTE	NE	172	211	247	286	319
COUNTY : POLK	NE	172	211	247	286	319
COUNTY : RED WILLOW	NE	163	202	239	275	311
COUNTY : RICHARDSON	NE	172	211	247	286	319
COUNTY : ROCK	NE	173	212	249	287	324
COUNTY : SALINE	NE	172	211	247	286	319
COUNTY : SAUNDERS	NE	172	211	247	286	319
COUNTY : SCOTTS BLUFF	NE	197	239	279	318	360
COUNTY : SEWARD	NE	172	211	247	286	319
COUNTY : SHERIDAN	NE	161	199	235	269	305
COUNTY : SHERMAN	NE	163	202	239	275	311
COUNTY : SIOUX	NE	161	199	235	269	305
COUNTY : STANTON	NE	173	212	249	287	324
COUNTY : THAYER	NE	172	211	247	286	319
COUNTY : THOMAS	NE	163	202	239	275	311
COUNTY : THURSTON	NE	173	212	249	287	324
COUNTY : VALLEY	NE	163	202	239	275	311
COUNTY : WASHINGTON	NE	172	211	247	286	319
COUNTY : WAYNE	NE	173	212	249	287	324
COUNTY : WEBSTER	NE	163	202	239	275	311
COUNTY : WHEELER	NE	163	202	239	275	311
COUNTY : YORK	NE	172	211	247	286	319
REGION - 7 ST. LOUIS, MISSOURI AREA OFFICE						
SMSA : COLUMBIA, MO		201	244	287	328	368
SMSA : ST LOUIS, MO-IL		233	282	327	374	423
COUNTY : ADAIR	MO	190	229	270	312	351
COUNTY : AUDRAIN	MO	190	229	270	312	351
COUNTY : BOLLINGER	MO	148	183	216	249	283
COUNTY : BUTLER	MO	148	183	216	249	283
COUNTY : CALLAWAY	MO	190	229	270	312	351
COUNTY : CAPE GIRARDE	MO	177	214	254	293	329
COUNTY : CARTER	MO	148	183	216	249	283
COUNTY : CLARK	MO	177	214	254	294	330
COUNTY : COLE	MO	190	229	270	312	351
COUNTY : COOPER	MO	190	229	270	312	351
COUNTY : CRAWFORD	MO	168	204	244	278	315
COUNTY : DENT	MO	168	204	244	278	315
COUNTY : DOUGLAS	MO	168	204	244	278	315
COUNTY : DUNKLIN	MO	148	183	216	249	283

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)			0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 7 ST. LOUIS, MISSOURI AREA OFFICE							
COUNTY	: GASCONADE	MO	168	204	244	278	315
COUNTY	: HOWARD	MO	190	229	270	312	351
COUNTY	: HOWELL	MO	168	204	244	278	315
COUNTY	: IRON	MO	168	204	244	278	315
COUNTY	: KNOX	MO	190	229	270	312	351
COUNTY	: LEWIS	MO	177	214	254	294	330
COUNTY	: LINCOLN	MO	168	204	244	278	315
COUNTY	: MACON	MO	190	229	270	312	351
COUNTY	: MADISON	MO	168	204	244	278	315
COUNTY	: MARIES	MO	168	204	244	278	315
COUNTY	: MARION	MO	177	214	254	294	330
COUNTY	: MISSISSIPPI	MO	148	183	216	249	283
COUNTY	: MONITEAU	MO	190	229	270	312	351
COUNTY	: MONROE	MO	190	229	270	312	351
COUNTY	: MONTGOMERY	MO	168	204	244	278	315
COUNTY	: NEW MADRID	MO	148	183	216	249	283
COUNTY	: OREGON	MO	168	204	244	278	315
COUNTY	: OSAGE	MO	190	229	270	312	351
COUNTY	: OZARK	MO	168	204	244	278	315
COUNTY	: PEMISCOT	MO	148	183	216	249	283
COUNTY	: PERRY	MO	168	204	244	278	315
COUNTY	: PHELPS	MO	168	204	244	278	315
COUNTY	: PIKE	MO	168	204	244	278	315
COUNTY	: RALLS	MO	177	214	254	294	330
COUNTY	: RANDOLPH	MO	190	229	270	312	351
COUNTY	: REYNOLDS	MO	168	204	244	278	315
COUNTY	: RIPLEY	MO	148	183	216	249	283
COUNTY	: ST FRANCOIS	MO	168	204	244	278	315
COUNTY	: STE GENEVIEV	MO	168	204	244	278	315
COUNTY	: SCHUYLER	MO	190	229	270	312	351
COUNTY	: SCOTLAND	MO	190	229	270	312	351
COUNTY	: SCOTT	MO	177	214	254	293	329
COUNTY	: SHANNON	MO	168	204	244	278	315
COUNTY	: SHELBY	MO	190	229	270	312	351
COUNTY	: STODDARD	MO	148	183	216	249	283
COUNTY	: TEXAS	MO	168	204	244	278	315
COUNTY	: WARREN	MO	168	204	244	278	315
COUNTY	: WASHINGTON	MO	168	204	244	278	315
COUNTY	: WAYNE	MO	148	183	216	249	283
COUNTY	: WRIGHT	MO	168	204	244	278	315
REGION - 8 DENVER, COLORADO REGIONAL:AREA OFFICE							
SMSA	: CASPER, WY		259	312	365	414	465

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)				0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 8 DENVER, COLORADO REGIONAL AREA OFFICE								
COUNTY	:	ALBANY	WY	180	219	260	295	334
COUNTY	:	BIG HORN	WY	189	229	268	308	346
COUNTY	:	CAMPBELL	WY	180	219	260	295	334
COUNTY	:	CARBON	WY	180	219	260	295	334
COUNTY	:	CONVERSE	WY	180	219	260	295	334
COUNTY	:	CROOK	WY	189	229	268	308	346
COUNTY	:	FREMONT	WY	180	219	260	295	334
COUNTY	:	GOSHEN	WY	180	219	260	295	334
COUNTY	:	HOT SPRINGS	WY	189	229	268	308	346
COUNTY	:	JOHNSON	WY	180	219	260	295	334
COUNTY	:	LARAMIE	WY	246	290	338	384	431
COUNTY	:	LINCOLN	WY	180	219	260	295	334
COUNTY	:	NIOBRARA	WY	180	219	260	295	334
COUNTY	:	PARK	WY	189	229	268	308	346
COUNTY	:	PLATTE	WY	180	219	260	295	334
COUNTY	:	SHERIDAN	WY	180	219	260	295	334
COUNTY	:	SUBLETTE	WY	180	219	260	295	334
COUNTY	:	SWEETWATER	WY	180	219	260	295	334
COUNTY	:	TETON	WY	243	292	342	390	437
COUNTY	:	UINTA	WY	180	219	260	295	334
COUNTY	:	WASHAKIE	WY	189	229	268	308	346
COUNTY	:	WESTON	WY	189	229	268	308	346
SMSA	:	COLORADO SPRINGS, CO		228	277	323	368	413
SMSA	:	DENVER-BOULDER , CO		297	355	416	470	527
SMSA	:	FORT COLLINS, CO		225	272	317	366	410
SMSA	:	GREELEY, CO		210	254	297	338	383
SMSA	:	PUEBLO, CO		219	267	311	356	399
COUNTY	:	ALAMOSA	CO	219	267	311	356	399
COUNTY	:	ARCHULETA	CO	180	219	260	295	334
COUNTY	:	BACA	CO	198	240	279	318	358
COUNTY	:	BENT	CO	198	240	279	318	358
COUNTY	:	CHAFFEE	CO	198	240	279	318	358
COUNTY	:	CHEYENNE	CO	190	228	270	304	342
COUNTY	:	CLEAR CREEK	CO	210	254	297	338	383
COUNTY	:	CONEJOS	CO	219	267	311	356	399
COUNTY	:	COSTILLA	CO	219	267	311	356	399
COUNTY	:	CROWLEY	CO	198	240	279	318	358
COUNTY	:	CUSTER	CO	198	240	279	318	358
COUNTY	:	DELTA	CO	180	219	260	295	334
COUNTY	:	DELORES	CO	180	219	260	295	334
COUNTY	:	EAGLE	CO	180	219	260	295	334
COUNTY	:	ELBERT	CO	190	228	270	304	342
COUNTY	:	FREMONT	CO	198	240	279	318	358
COUNTY	:	GARFIELD	CO	260	308	365	414	466

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 8 DENVER, COLORADO REGIONAL AREA OFFICE						
COUNTY : GRAND	CO	210	254	297	338	383
COUNTY : GUNNISON	CO	180	219	260	295	334
COUNTY : HINSDALE	CO	180	219	260	295	334
COUNTY : HUERFANO	CO	198	240	279	318	358
COUNTY : JACKSON	CO	180	219	260	295	334
COUNTY : KIOWA	CO	198	240	279	318	358
COUNTY : KIT CARSON	CO	190	228	270	304	342
COUNTY : LAKE	CO	190	228	270	304	342
COUNTY : LA PLATA	CO	180	219	260	295	334
COUNTY : LAS ANIMAS	CO	198	240	279	318	358
COUNTY : LINCOLN	CO	198	240	279	318	358
COUNTY : LOGAN	CO	210	254	297	338	383
COUNTY : MESA	CO	262	316	367	418	472
COUNTY : MINERAL	CO	219	267	311	356	399
COUNTY : MOFFAT	CO	180	219	260	295	334
COUNTY : MONTEZUMA	CO	180	219	260	295	334
COUNTY : MONTROSE	CO	180	219	260	295	334
COUNTY : MORGAN	CO	210	254	297	338	383
COUNTY : OTERO	CO	198	240	279	318	358
COUNTY : OURAY	CO	180	219	260	295	334
COUNTY : PARK	CO	190	228	270	304	342
COUNTY : PHILLIPS	CO	210	254	297	338	383
COUNTY : PITKIN	CO	180	219	260	295	334
COUNTY : PROWERS	CO	198	240	279	318	358
COUNTY : RIO BLANCO	CO	180	219	260	295	334
COUNTY : RIO GRANDE	CO	219	267	311	356	399
COUNTY : ROUTT	CO	180	219	260	295	334
COUNTY : SAGUACHE	CO	219	267	311	356	399
COUNTY : SAN JUAN	CO	180	219	260	295	334
COUNTY : SAN MIGUEL	CO	180	219	260	295	334
COUNTY : SEDGWICK	CO	210	254	297	338	383
COUNTY : SUMMIT	CO	210	254	297	338	383
COUNTY : WASHINGTON	CO	210	254	297	338	383
COUNTY : YUMA	CO	210	254	297	338	383
SMSA : BISMARCK, N.D.		224	262	312	360	391
SMSA : FARGO-MOORHEAD, ND-MN		219	250	323	370	395
SMSA : GRAND FORKS, N.D.-MN		219	262	312	360	391
COUNTY : ADAMS	ND	177	211	267	298	324
COUNTY : BARNES	ND	177	211	267	298	324
COUNTY : BENSON	ND	177	211	267	298	324
COUNTY : BILLINGS	ND	177	211	267	298	324
COUNTY : BOTTINEAU	ND	177	211	267	298	324
COUNTY : BOWMAN	ND	177	211	267	298	324
COUNTY : BURKE	ND	177	211	267	298	324

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 8 DENVER, COLORADO REGIONAL AREA OFFICE						
COUNTY : CAVALIER	ND	177	211	267	298	324
COUNTY : DICKEY	ND	177	211	267	298	324
COUNTY : DIVIDE	ND	177	211	267	298	324
COUNTY : DUNN	ND	177	211	267	298	324
COUNTY : EDDY	ND	177	211	267	298	324
COUNTY : EMMONS	ND	177	211	267	298	324
COUNTY : FOSTER	ND	177	211	267	298	324
COUNTY : GOLDEN VALLY	ND	177	211	267	298	324
COUNTY : GRANT	ND	177	211	267	298	324
COUNTY : GRIGGS	ND	177	211	267	298	324
COUNTY : HETTINGER	ND	177	211	267	298	324
COUNTY : KIDDER	ND	177	211	267	298	324
COUNTY : LA MOORE	ND	177	211	267	298	324
COUNTY : LOGAN	ND	177	211	267	298	324
COUNTY : MCHENRY	ND	177	211	267	298	324
COUNTY : MCINTOSH	ND	177	211	267	298	324
COUNTY : MCKENZIE	ND	177	211	267	298	324
COUNTY : MCLEAN	ND	195	220	284	310	340
COUNTY : MERCER	ND	195	220	284	310	340
COUNTY : MOUNTRAIL	ND	177	211	267	298	324
COUNTY : NELSON	ND	177	211	267	298	324
COUNTY : OLIVER	ND	195	220	284	310	340
COUNTY : PEMBINA	ND	177	211	267	298	324
COUNTY : PIERCE	ND	177	211	267	298	324
COUNTY : RAMSEY	ND	177	211	267	298	324
COUNTY : RANSOM	ND	177	211	267	298	324
COUNTY : RENVILLE	ND	177	211	267	298	324
COUNTY : RICHLAND	ND	177	211	267	298	324
COUNTY : ROLETTE	ND	177	211	267	298	324
COUNTY : SARGENT	ND	177	211	267	298	324
COUNTY : SHERIDAN	ND	177	211	267	298	324
COUNTY : SIOUX	ND	177	211	267	298	324
COUNTY : SLOPE	ND	177	211	267	298	324
COUNTY : STARK	ND	224	261	312	360	391
COUNTY : STEELE	ND	177	211	267	298	324
COUNTY : STUTSMAN	ND	177	211	267	298	324
COUNTY : TOWNER	ND	177	211	267	298	324
COUNTY : TRAILL	ND	177	211	267	298	324
COUNTY : WALSH	ND	177	211	267	298	324
COUNTY : WARD	ND	190	220	284	354	391
COUNTY : WELLS	ND	177	211	267	298	324
COUNTY : WILLIAMS	ND	194	218	280	305	336
SMSA : BILLINGS, MT		249	302	353	402	452
SMSA : GREAT FALLS, MT		228	282	329	387	420

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 8 DENVER, COLORADO REGIONAL AREA OFFICE						
COUNTY : BEAVERHEAD	MT	198	241	283	324	365
COUNTY : BIG HORN	MT	189	229	268	308	346
COUNTY : BLAINE	MT	189	229	268	308	346
COUNTY : BROADWATER	MT	189	229	268	308	346
COUNTY : CARBON	MT	189	229	268	308	346
COUNTY : CARTER	MT	189	229	268	308	346
COUNTY : CHOUTEAU	MT	189	229	268	308	346
COUNTY : CUSTER	MT	189	229	268	308	346
COUNTY : DANIELS	MT	199	244	285	325	368
COUNTY : DAWSON	MT	189	229	268	308	346
COUNTY : DEER LODGE	MT	198	241	283	324	365
COUNTY : FALLON	MT	189	229	268	308	346
COUNTY : FERGUS	MT	189	229	268	308	346
COUNTY : FLATHEAD	MT	216	264	307	352	393
COUNTY : GALLATIN	MT	253	305	358	409	459
COUNTY : GARFIELD	MT	189	229	268	308	346
COUNTY : GLACIER	MT	189	229	268	308	346
COUNTY : GOLDEN VALLE	MT	189	229	268	308	346
COUNTY : GRANITE	MT	198	241	283	324	365
COUNTY : HILL	MT	189	229	268	308	346
COUNTY : JEFFERSON	MT	189	229	268	308	346
COUNTY : JUDITH BASIN	MT	189	229	268	308	346
COUNTY : LAKE	MT	198	241	283	324	365
COUNTY : LEWIS+ CLARK	MT	262	316	366	418	469
COUNTY : LIBERTY	MT	189	229	268	308	346
COUNTY : LINCOLN	MT	198	241	283	324	365
COUNTY : MCCONE	MT	189	229	268	308	346
COUNTY : MADISON	MT	198	241	283	324	365
COUNTY : MEAGHER	MT	189	229	268	308	346
COUNTY : MINERAL	MT	198	241	283	324	365
COUNTY : MISSOULA	MT	227	274	321	366	414
COUNTY : MUSSELSHELL	MT	189	229	268	308	346
COUNTY : PARK	MT	244	295	346	393	442
COUNTY : PETROLEUM	MT	189	229	268	308	346
COUNTY : PHILLIPS	MT	189	229	268	308	346
COUNTY : PONDERA	MT	189	229	268	308	346
COUNTY : POWDER RIVER	MT	189	229	268	308	346
COUNTY : POWELL	MT	198	241	283	324	365
COUNTY : PRAIRIE	MT	189	229	268	308	346
COUNTY : RAVALLI	MT	198	241	283	324	365
COUNTY : RICHLAND	MT	220	268	315	358	402
COUNTY : ROOSEVELT	MT	199	244	285	325	368
COUNTY : ROSEBUD	MT	189	229	268	308	346
COUNTY : SANDERS	MT	198	241	283	324	365
COUNTY : SHERIDAN	MT	199	244	285	325	368
COUNTY : SILVER BOW	MT	198	241	283	324	365

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 8 DENVER, COLORADO REGIONAL AREA OFFICE						
COUNTY : STILLWATER	MT	189	229	268	308	346
COUNTY : SWEET GRASS	MT	189	229	268	308	346
COUNTY : TETON	MT	189	229	268	308	346
COUNTY : TOOLE	MT	189	229	268	308	346
COUNTY : TREASURE	MT	189	229	268	308	346
COUNTY : VALLEY	MT	189	229	268	308	346
COUNTY : WHEATLAND	MT	189	229	268	308	346
COUNTY : WIBAUX	MT	199	244	285	325	368
COUNTY : YL-ST NT-PK	MT	189	229	268	308	346
SMSA : PROVO OREM, UT		210	254	297	338	383
SMSA : SALT LAKE CITY OGDEN, UT		238	287	335	387	433
COUNTY : BEAVER	UT	249	300	349	398	446
COUNTY : BOX ELDER	UT	180	219	260	295	334
COUNTY : CACHE	UT	180	219	260	295	334
COUNTY : CARBON	UT	243	292	342	390	437
COUNTY : DAGGETT	UT	180	219	260	295	334
COUNTY : DUCHESNE	UT	180	219	260	295	334
COUNTY : EMERY	UT	225	272	317	366	410
COUNTY : GARFIELD	UT	249	300	349	398	446
COUNTY : GRAND	UT	161	197	232	267	297
COUNTY : IRON	UT	249	300	349	398	446
COUNTY : JUAB	UT	161	197	232	267	297
COUNTY : KANE	UT	249	300	349	398	446
COUNTY : MILLARD	UT	161	197	232	267	297
COUNTY : MORGAN	UT	180	219	260	295	334
COUNTY : PIUTE	UT	161	197	232	267	297
COUNTY : RICH	UT	180	219	260	295	334
COUNTY : SAN JUAN	UT	161	197	232	267	297
COUNTY : SANPETE	UT	161	197	232	267	297
COUNTY : SEVIER	UT	161	197	232	267	297
COUNTY : SUMMIT	UT	180	219	260	295	334
COUNTY : UINTAH	UT	180	219	260	295	334
COUNTY : WASATCH	UT	180	219	260	295	334
COUNTY : WASHINGTON	UT	249	300	349	398	446
COUNTY : WAYNE	UT	161	197	232	267	297
SMSA : SIOUX FALLS, SD		223	269	316	365	410
COUNTY : AURORA	SD	192	233	274	315	355
COUNTY : BEADLE	SD	192	233	274	315	355
COUNTY : BENNETT	SD	170	205	245	281	317
COUNTY : BON HOMME	SD	173	212	249	287	324
COUNTY : BROOKINGS	SD	192	233	274	315	355
COUNTY : BROWN	SD	178	215	255	292	328

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 8 DENVER, COLORADO REGIONAL AREA OFFICE						
COUNTY : BRULE	SD	170	205	245	281	317
COUNTY : BUFFALO	SD	170	205	245	281	317
COUNTY : BUTTE	SD	191	232	272	313	353
COUNTY : CAMPBELL	SD	170	205	245	281	317
COUNTY : CHARLES MIX	SD	173	212	249	287	324
COUNTY : CLARK	SD	170	205	245	281	317
COUNTY : CLAY	SD	201	244	287	328	370
COUNTY : CODINGTON	SD	170	222	267	292	327
COUNTY : CORSON	SD	170	205	245	281	317
COUNTY : CUSTER	SD	204	245	291	332	373
COUNTY : DAVISON	SD	192	233	274	315	355
COUNTY : DAY	SD	170	205	245	281	317
COUNTY : DEUEL	SD	170	205	245	281	317
COUNTY : DEWEY	SD	170	205	245	281	317
COUNTY : DOUGLAS	SD	173	212	249	287	324
COUNTY : EDMUNDS	SD	170	205	245	281	317
COUNTY : FALL RIVER	SD	204	245	291	332	373
COUNTY : FAULK	SD	170	205	245	281	317
COUNTY : GRANT	SD	200	244	287	328	368
COUNTY : GREGORY	SD	170	205	245	281	317
COUNTY : HAAKON	SD	170	205	245	281	317
COUNTY : HAMLIN	SD	170	205	245	281	317
COUNTY : HAND	SD	192	233	274	315	355
COUNTY : HANSON	SD	192	233	274	315	355
COUNTY : HARDING	SD	170	205	245	281	317
COUNTY : HUGHES	SD	225	273	320	368	413
COUNTY : HUTCHINSON	SD	173	212	249	287	324
COUNTY : HYDE	SD	170	205	245	281	317
COUNTY : JACKSON	SD	170	205	245	281	317
COUNTY : JERAULD	SD	192	233	274	315	355
COUNTY : JONES	SD	170	205	245	281	317
COUNTY : KINGSBURY	SD	192	233	274	315	355
COUNTY : LAKE	SD	192	233	274	315	355
COUNTY : LAWRENCE	SD	213	233	298	330	371
COUNTY : LINCOLN	SD	192	233	274	315	355
COUNTY : LYMAN	SD	170	205	245	281	317
COUNTY : MCCOOK	SD	192	233	274	315	355
COUNTY : MCPHERSON	SD	170	205	245	281	317
COUNTY : MARSHALL	SD	170	205	245	281	317
COUNTY : MEADE	SD	214	259	303	348	392
COUNTY : MELLETTE	SD	170	205	245	281	317
COUNTY : MINER	SD	192	233	274	315	355
COUNTY : MOODY	SD	192	233	274	315	355
COUNTY : PENNINGTON	SD	214	259	303	348	392
COUNTY : PERKINS	SD	170	205	245	281	317
COUNTY : POTTER	SD	170	205	245	281	317

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 8 DENVER, COLORADO REGIONAL AREA OFFICE						
COUNTY : ROBERTS	SD	170	205	245	281	317
COUNTY : SANBORN	SD	192	233	274	315	355
COUNTY : SHANNON	SD	170	205	245	281	317
COUNTY : SPINK	SD	170	205	245	281	317
COUNTY : STANLEY	SD	225	273	320	368	413
COUNTY : SULLY	SD	170	205	245	281	317
COUNTY : TODD	SD	170	205	245	281	317
COUNTY : TRIPP	SD	170	205	245	281	317
COUNTY : TURNER	SD	192	233	274	315	355
COUNTY : UNION	SD	173	212	249	287	324
COUNTY : WALWORTH	SD	188	226	265	309	344
COUNTY : WASHABAUGH	SD	170	205	245	281	317
COUNTY : YANKTON	SD	173	212	249	287	324
COUNTY : ZIEBACH	SD	170	205	245	281	317
REGION - 9 HONOLULU, HAWAII AREA OFFICE						
SMSA : HONOLULU, HI		322	376	445	519	577
COUNTY : HAWAII	HI	348	416	482	551 (2)	623 (7)
COUNTY : KAUAI	HI	348	416	482	551 (2)	623 (7)
COUNTY : MAUI	HI	348	416	482	551 (2)	623 (7)
COUNTY : GUAM		309	368	430	487	548
REGION - 9 LOS ANGELES, CALIFORNIA AREA OFFICE						
SMSA : BAKERSFIELD, CA		235	291	328	427	492
SMSA : LOS ANGELES-LONG BEACH, CA		288	343	400	488	574 (5)
SMSA : OXNARD-SIMI VALLEY-VENTURA, CA		275	333	393	477	532
SMSA : SANTA BARBARA-SANTA MARIA-LOMPOC, CA		279	336	427	486	546
COUNTY : SAN LUIS OBI	CA	263	315	389	442	497
SMSA : PHOENIX, AZ		283	338	395	455	506
COUNTY : APACHE	AZ	196	240	279	320	361
COUNTY : COCONINO	AZ	237	274	362	430	484
COUNTY : GILA	AZ	196	240	279	320	361
COUNTY : MOHAUE	AZ	196	240	279	320	361
COUNTY : NAUAJO	AZ	196	240	279	320	361
COUNTY : PINAL	AZ	196	240	279	320	361
COUNTY : YAVAPAI	AZ	196	240	279	320	361

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)			0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 9 LOS ANGELES, CALIFORNIA AREA OFFICE							
COUNTY	: YUMA	AZ	196	240	279	320	361
SMSA	: TUCSON, AZ		245	293	343	392	440
COUNTY	: COCHISE	AZ	196	240	279	320	361
COUNTY	: GRAHAM	AZ	196	240	279	320	361
COUNTY	: GREENLEE	AZ	196	240	279	320	361
COUNTY	: SANTA CRUZ	AZ	196	240	279	320	361
SMSA	: SAN DIEGO, CA		306	367	428	500	557
COUNTY	: IMPERIAL	CA	249	301	383	436	472
SMSA	: ANAHEIM-SANTA ANA-GARDEN GROVE, CA		322	383	442	585	659
SMSA	: RIVERSIDE-SAN BERNARDINO-ONTARIO, CA		275	323	378	469	539
COUNTY	: INYO	CA	203	247	290	331	372
COUNTY	: MONO	CA	203	247	290	331	372
REGION - 9 SAN FRANCISCO, CALIFORNIA AREA OFFICE							
SMSA	: FRESNO, CA		227	274	324	414	452
SMSA	: MODESTO, CA		246	272	330	436	473
SMSA	: VISALIA-TULARE-PORTERVILLE, CA		238	270	342	439	484
COUNTY	: KINGS	CA	203	247	290	331	372
COUNTY	: MADERA	CA	205	249	302	391	428
COUNTY	: MARIPOSA	CA	214	266	334	417	472
COUNTY	: MERCED	CA	216	245	334	420	484
SMSA	: RENO, NV		324	386	461	545	595 (5)
COUNTY	: CHURCHILL	NV	274	332	385	441	496
COUNTY	: DOUGLAS	NV	274	332	385	441	496
COUNTY	: ELKO	NV	274	332	385	441	496
COUNTY	: ESMERALDA	NV	252	303	365	427	469
COUNTY	: EUREKA	NV	252	303	365	427	469
COUNTY	: HUMBOLDT	NV	274	332	385	441	496
COUNTY	: LANDER	NV	274	332	385	441	496
COUNTY	: LYON	NV	274	332	385	441	496
COUNTY	: MINERAL	NV	274	332	385	441	496
COUNTY	: NYE	NV	252	303	365	427	469
COUNTY	: PERSHING	NV	274	332	385	441	496
COUNTY	: STOREY	NV	274	332	385	441	496
COUNTY	: WHITE PINE	NV	252	303	365	427	469
INDEP. CITY	: CARSON CITY	NV	274	332	385	441	496
SMSA	: CHICO, CA		226	253	316	384	429
SMSA	: REDDING, CA		231	264	313	380	430
SMSA	: SACRAMENTO, CA		243	293	344	392	440

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)				0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 9 SAN FRANCISCO, CALIFORNIA AREA OFFICE								
SMSA	:	STOCKTON, CA		223	268	313	380	424
SMSA	:	YUBA CITY, CA		216	260	302	366	420
COUNTY	:	ALPINE	CA	214	260	304	347	389
COUNTY	:	AMADOR	CA	214	260	304	347	389
COUNTY	:	CALAVERAS	CA	214	260	304	347	389
COUNTY	:	COLUSA	CA	225	272	317	367	411
COUNTY	:	EL DORADO	CA	225	272	317	367	411
COUNTY	:	GLENN	CA	225	272	317	367	411
COUNTY	:	LASSEN	CA	199	244	285	325	368
COUNTY	:	MODOC	CA	199	244	285	325	368
COUNTY	:	NEVADA	CA	225	272	317	367	411
COUNTY	:	PLUMAS	CA	242	282	340	413	465
COUNTY	:	SIERRA	CA	199	244	285	325	368
COUNTY	:	SISKIYOU	CA	199	244	285	325	368
COUNTY	:	TEHAMA	CA	199	244	285	325	368
COUNTY	:	TRINITY	CA	199	244	285	325	368
COUNTY	:	TUOLUMNE	CA	214	260	304	347	389
SMSA	:	SALINAS-SEASIDE-MONTEREY, CA		263	330	386	490	531
SMSA	:	SAN FRANCISCO-OAKLAND, CA		303	365	424	542	590 (4)
SMSA	:	SAN JOSE, CA		315	378	448	539	590 (4)
SMSA	:	SANTA CRUZ, CA		286	330	397	495	565 (4)
SMSA	:	SANTA ROSA, CA		264	316	392	482	542
SMSA	:	VALLEJO-FAIRFIELD-NAPA, CA		256	308	368	482	530
COUNTY	:	DEL NORTE	CA	215	260	302	359	400
COUNTY	:	HUMBOLDT	CA	246	291	342	436	479
COUNTY	:	LAKE	CA	249	302	353	404	452
COUNTY	:	MENDOCINO	CA	241	303	371	460	508
COUNTY	:	SAN BENITO	CA	231	280	327	374	418
SMSA	:	LAS VEGAS, NV		261	312	365	414	464
COUNTY	:	LINCOLN	NV	252	303	365	427	469
REGION - 10 ANCHORAGE, ALASKA AREA OFFICE								
SMSA	:	ANCHORAGE, AK		375	442	512	574	638
DISTRICT	:	ALEUTIAN I.	AK	371	445	517	592 (7)	670 (8)
DISTRICT	:	ANGOON	AK	345	413	517	592 (7)	670 (8)
DISTRICT	:	BARROW	AK	557 (9)	614 (14)	696 (13)	776 (11)	847 (10)
DISTRICT	:	BETHEL	AK	345	413	517	592 (7)	670 (8)
DISTRICT	:	BRISTOL B.B.	AK	345	413	517	592 (7)	670 (8)
DISTRICT	:	BRISTOL BAY	AK	345	413	517	592 (7)	670 (8)
DISTRICT	:	CORDOVA-MCCA	AK	345	413	517	592 (7)	670 (8)
DISTRICT	:	FAIRBANKS	AK	345	413	517	592 (7)	670 (8)

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)			0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 10 ANCHORAGE, ALASKA AREA OFFICE							
DISTRICT	: HAINES	AK	345	413	517	592 (7)	670 (8)
DISTRICT	: JUNEAU	AK	345	413	517	592 (7)	670 (8)
DISTRICT	: KENAI-COOK	AK	345	413	517	592 (7)	670 (8)
DISTRICT	: KETCHIKAN	AK	345	413	517	592 (7)	670 (8)
DISTRICT	: KOBUK	AK	345	413	517	592 (7)	670 (8)
DISTRICT	: KODIAK	AK	371	445	517	592 (7)	670 (8)
DISTRICT	: KUSKOKWIM	AK	345	413	517	592 (7)	670 (8)
DISTRICT	: MATANUSKA-SU	AK	345	413	517	592 (7)	670 (8)
DISTRICT	: NOME	AK	345	413	517	592 (7)	670 (8)
DISTRICT	: OUTER KETCHK	AK	345	413	517	592 (7)	670 (8)
DISTRICT	: PR. OF WALES	AK	345	413	517	592 (7)	670 (8)
DISTRICT	: SEWARD	AK	345	413	517	592 (7)	670 (8)
DISTRICT	: SITKA	AK	345	413	517	592 (7)	670 (8)
DISTRICT	: SKGWY-YKTT	AK	345	413	517	592 (7)	670 (8)
DISTRICT	: SE FAIRBANKS	AK	345	413	517	592 (7)	670 (8)
DISTRICT	: UPPER YUKON	AK	345	413	517	592 (7)	670 (8)
DISTRICT	: VLDZ-CHTN-WH	AK	371	445	517	592 (7)	670 (8)
DISTRICT	: WADE HAMPTON	AK	345	413	517	592 (7)	670 (8)
DISTRICT	: WRNGLL-PTRBR	AK	345	413	517	592 (7)	670 (8)
DISTRICT	: YKN-KOYKK	AK	345	413	517	592 (7)	670 (8)
REGION - 10 PORTLAND, OREGON AREA OFFICE							
SMSA	: BOISE CITY, ID		217	246	304	332	366
COUNTY	: ADAMS	ID	198	240	279	318	358
COUNTY	: BANNOCK	ID	218	266	308	351	392
COUNTY	: BEAR LAKE	ID	180	219	260	295	334
COUNTY	: BENEWAH	ID	196	237	275	316	353
COUNTY	: BINGHAM	ID	218	266	308	351	392
COUNTY	: BLAINE	ID	218	266	308	351	392
COUNTY	: BOISE	ID	198	240	279	318	358
COUNTY	: BONNER	ID	196	237	275	316	353
COUNTY	: BONNEVILLE	ID	218	266	308	351	392
COUNTY	: BOUNDARY	ID	196	237	275	316	353
COUNTY	: BUTTE	ID	218	266	308	351	392
COUNTY	: CAMAS	ID	218	266	308	351	392
COUNTY	: CANYON	ID	198	240	279	318	358
COUNTY	: CARIBOU	ID	218	266	308	351	392
COUNTY	: CASSIA	ID	218	266	308	351	392
COUNTY	: CLARK	ID	218	266	308	351	392
COUNTY	: CLEARWATER	ID	196	237	275	316	353
COUNTY	: CUSTER	ID	218	266	308	351	392
COUNTY	: ELMORE	ID	198	240	279	318	358
COUNTY	: FRANKLIN	ID	180	219	260	295	334

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 10 PORTLAND, OREGON AREA OFFICE						
COUNTY : FREMONT	ID	218	266	308	351	392
COUNTY : GEM	ID	198	240	279	318	358
COUNTY : GOODING	ID	218	266	308	351	392
COUNTY : IDAHO	ID	196	237	275	316	353
COUNTY : JEFFERSON	ID	218	266	308	351	392
COUNTY : JEROME	ID	218	266	308	351	392
COUNTY : KOOTENAI	ID	196	237	275	316	353
COUNTY : LATAH	ID	207	237	276	316	353
COUNTY : LEMHI	ID	218	266	308	351	392
COUNTY : LEWIS	ID	196	237	275	316	353
COUNTY : LINCOLN	ID	218	266	308	351	392
COUNTY : MADISON	ID	218	266	308	351	392
COUNTY : MINIDOKA	ID	218	266	308	351	392
COUNTY : NEZ PERCE	ID	207	237	276	316	353
COUNTY : ONEIDA	ID	180	219	260	295	334
COUNTY : OWYHEE	ID	198	240	279	318	358
COUNTY : PAYETTE	ID	198	240	279	318	358
COUNTY : POWER	ID	218	266	308	351	392
COUNTY : SHOSHONE	ID	196	237	275	316	353
COUNTY : TETON	ID	218	266	308	351	392
COUNTY : TWIN FALLS	ID	218	266	308	351	392
COUNTY : VALLEY	ID	198	240	279	318	358
COUNTY : WASHINGTON	ID	198	240	279	318	358
SMSA : EUGENE-SPRINGFIELD, OR		221	250	297	365	414
SMSA : MEDFORD, OR		197	244	305	351	387
SMSA : PORTLAND, OR-WA		240	287	343	428	465
SMSA : SALEM, OR		237	282	349	398	445
COUNTY : BAKER	OR	188	226	269	305	343
COUNTY : BENTON	OR	228	273	319	367	410
COUNTY : CLATSOP	OR	208	239	277	319	357
COUNTY : COLUMBIA	OR	208	239	277	319	357
COUNTY : COOS	OR	193	246	311	346	374
COUNTY : CROOK	OR	197	239	277	319	357
COUNTY : CURRY	OR	210	250	288	377	409
COUNTY : DESCHUTES	OR	200	244	302	328	358
COUNTY : DOUGLAS	OR	190	228	270	304	342
COUNTY : GILLIAM	OR	188	226	269	305	343
COUNTY : GRANT	OR	188	226	269	305	343
COUNTY : HARNEY	OR	198	240	279	318	358
COUNTY : HOOD RIVER	OR	180	217	256	292	327
COUNTY : JEFFERSON	OR	200	244	302	328	358
COUNTY : JOSEPHINE	OR	216	253	305	351	387
COUNTY : KLAMATH	OR	190	228	270	304	342
COUNTY : LAKE	OR	190	228	270	304	342

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 10 PORTLAND, OREGON AREA OFFICE						
COUNTY : LINCOLN	OR	228	273	319	367	410
COUNTY : LINN	OR	228	273	319	367	410
COUNTY : MALHEUR	OR	198	240	279	318	358
COUNTY : MORROW	OR	188	226	269	305	343
COUNTY : SHERMAN	OR	180	217	256	292	327
COUNTY : TILLAMOOK	OR	208	239	277	319	357
COUNTY : UMATILLA	OR	168	203	239	272	306
COUNTY : UNION	OR	188	226	269	305	343
COUNTY : WALLOWA	OR	188	226	269	305	343
COUNTY : WASCO	OR	180	217	256	292	327
COUNTY : WHEELER	OR	188	226	269	305	343
COUNTY : YAMHILL	OR	196	241	296	355	424
REGION - 10 SEATTLE, WASHINGTON AREA OFFICE						
SMSA : BELLINGHAM, WA		234	267	317	443	493
SMSA : BREMERTON, WA		246	291	348	473	552
SMSA : OLYMPIA, WA		204	245	286	339	380
SMSA : PORTLAND, OR-WA		240	287	343	428	465
SMSA : SEATTLE-EVERETT, WA		276	334	394 (3)	493 (9)	539 (11)
SMSA : TACOMA, WA		242	281	344	435	478
SMSA : YAKIMA, WA		183	263	305	369	412
COUNTY : CHELAN	WA	199	260	322	403	452
COUNTY : CLALLAM	WA	204	245	286	328	366
COUNTY : COWLITZ	WA	225	293	330	441	473
COUNTY : DOUGLAS	WA	199	260	322	403	452
COUNTY : GRAYS HARBOR	WA	225	272	317	367	411
COUNTY : ISLAND	WA	225	272	317	367	411
COUNTY : JEFFERSON	WA	204	245	286	328	366
COUNTY : KITTITAS	WA	188	226	269	305	343
COUNTY : KLICKITAT	WA	180	217	256	292	327
COUNTY : LEWIS	WA	204	245	286	328	366
COUNTY : MASON	WA	225	272	317	367	411
COUNTY : OKANOGAN	WA	198	241	283	324	365
COUNTY : PACIFIC	WA	225	272	317	367	411
COUNTY : SAN JUAN	WA	225	272	317	367	411
COUNTY : SKAGIT	WA	225	272	317	367	411
COUNTY : SKAMANIA	WA	180	217	256	292	327
COUNTY : WAHKIAKUM	WA	180	217	256	292	327
SMSA : RICHLAND-KENNEWICK-PASCO, WA		223	271	329	404	449
SMSA : SPOKANE, WA		227	264	322	384	432
COUNTY : ADAMS	WA	198	241	283	324	365
COUNTY : ASOTIN	WA	211	249	347	413	452
COUNTY : COLUMBIA	WA	198	241	283	324	365

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0820

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 10 SEATTLE, WASHINGTON AREA OFFICE						
COUNTY : FERRY	WA	172	235	287	338	386
COUNTY : GARFIELD	WA	198	241	283	324	365
COUNTY : GRANT	WA	198	241	283	324	365
COUNTY : LINCOLN	WA	198	241	283	324	365
COUNTY : PEND OREILLE	WA	172	235	287	338	386
COUNTY : STEVENS	WA	197	268	325	380	434
COUNTY : WALLA WALLA	WA	197	268	365	455	485
COUNTY : WHITMAN	WA	216	268	337	472	542

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
BOSTON, MASSACHUSETTS AREA OFFICE		
NON METRO STATE: MAINE	86	99
SMSA: BANGOR, ME.	86	99
SMSA: LEWISTON-AUBURN, ME	66	66
SMSA: PORTLAND, ME	106	121
SMSA: PORTSMOUTH-DOVER-ROCHESTER, NH-ME	86	99
NON METRO STATE: NEW HAMPSHIRE	79	86
SMSA: LAWRENCE-HAVERHILL, MA-NH	93	99
SMSA: LOWELL, MA NH	93	99
SMSA: MANCHESTER, NH	89	97
SMSA: NASHUA, NH	105	105
SMSA: PORTSMOUTH-DOVER-ROCHESTER, NH-ME	86	99
NON METRO STATE: VERMONT	81	93
SMSA: BURLINGTON, VT	81	93
NON METRO STATE: MASSACHUESETTS	105	105
SMSA: BOSTON, MA	98	105
SMSA: BROCKTON, MA	98	98
SMSA: FALL RIVER, MA-RI	66	66
SMSA: FITCHBURG-LEOMINSTER, MA	80	80
SMSA: LAWRENCE-HAVERHILL, MA-NH	93	99
SMSA: LOWELL, MA NH	93	99
SMSA: NEW BEDFORD, MA	91	91
SMSA: PITTSFIELD, MA	98	98
SMSA: PROVIDENCE-WARWICK-PAWTUCKET, RI-MA	90	90
SMSA: SPRINGFIELD-CHICOPEE-HOLYOKE, MA-CT	78	78
SMSA: WORCESTER, MA	68	68
NON METRO STATE: RHODE ISLAND	86	86

(A) PREPARED BY HUD - EMAD (CO), MARCH 29, 1983

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
SMSA: FALL RIVER, MA-RI	66	66
SMSA: NEW LONDON-NORWICH, CT-RI	90	90
SMSA: PROVIDENCE-WARWICK-PAWTUCKET, RI-MA	90	90
HARTFORD, CONNECTICUT AREA OFFICE		
NON METRO STATE: CONNECTICUT	97	97
SMSA: BRIDGEPORT, CT	121	121
SMSA: BRISTOL, CT	97	97
SMSA: DANBURY, CT	93	93
SMSA: HARTFORD, CT	105	105
SMSA: MERIDEN, CT	90	90
SMSA: NEW BRITAIN, CT	105	105
SMSA: NEW HAVEN-WEST HAVEN, CT	95	95
SMSA: NEW LONDON-NORWICH, CT-RI	90	90
SMSA: NORWALK, CT	113	113
SMSA: SPRINGFIELD-CHICOPEE-HOLYOKE, MA-CT	78	78
SMSA: STAMFORD, CT	113	113
SMSA: WATERBURY, CT	97	97
BUFFALO, NEW YORK AREA OFFICE		
NON METRO STATE: NEW YORK	93	93
SMSA: ALBANY-SCHENECTADY-TROY, NY	105	105
SMSA: BINGHAMTON, NY-PA	70	70
SMSA: BUFFALO, NY	93	93
SMSA: ELMIRA, NY	75	75
SMSA: GLENS FALLS, NY	93	93
SMSA: NEWBURGH-MIDDLETOWN, NY	93	93
SMSA: ROCHESTER, NY	105	105
SMSA: SYRACUSE, NY	86	86
SMSA: UTICA-ROME, NY	80	80
NEW YORK, NEW YORK AREA OFFICE		
NON METRO STATE: NEW YORK	93	93

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SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
SMSA: NASSAU-SUFFOLK, NY	125	160
SMSA: NEW YORK CITY, NY-NJ	129	129
SMSA: POUGHKEEPSIE, NY	119	119
NEWARK, NEW JERSEY AREA OFFICE		
NON METRO STATE: NEW JERSEY	81	81
SMSA: ALLENTOWN-BETHLEHEM-EASTON, PA-NJ	80	80
SMSA: ATLANTIC CITY, NJ	123	123
SMSA: JERSEY CITY, NJ	157	157
SMSA: LONG BRANCH-ASBURY PARK, NJ	148	149
SMSA: NEW BRUNSWICK-PERTH AMBOY-SAYREVILLE, NJ	191	192
SMSA: NEW YORK CITY, NY-NJ	129	129
SMSA: NEWARK, NJ	152	157
SMSA: PATERSON-CLIFTON-PASSAIC, NJ	169	170
SMSA: PHILADELPHIA, PA-NJ	140	140
SMSA: TRENTON, NJ	125	125
SMSA: VINELAND-MILLVILLE-BRIDGETON, NJ	110	110
SMSA: WILMINGTON, DE-NJ-MD	93	93
EXCEPTION COUNTY: OCEAN	116	116
BALTIMORE, MARYLAND AREA OFFICE		
NON METRO STATE: MARYLAND	100	100
SMSA: BALTIMORE, MD	142	142
SMSA: CUMBERLAND, MD-WV	100	100
SMSA: HAGERSTOWN, MD	100	100
SMSA: WILMINGTON, DE-NJ-MD	92	92
PHILADELPHIA, PENNSYLVANIA AREA OFFICE		
NON METRO STATE: PENNSYLVANIA	57	57
SMSA: ALLENTOWN-BETHLEHEM-EASTON, PA-NJ	80	80
SMSA: BINGHAMTON, NY-PA	70	70
SMSA: HARRISBURG, PA	82	82

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SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
SMSA: LANCASTER, PA	76	76
SMSA: NORTHEAST, PA	63	63
SMSA: PHILADELPHIA, PA-NJ	140	140
SMSA: READING, PA	76	76
SMSA: SHARON, PA	57	57
SMSA: STATE COLLEGE, PA	57	57
SMSA: WILLIAMSPORT, PA	57	57
SMSA: YORK, PA	76	76
NON METRO STATE: DELAWARE	57	57
SMSA: WILMINGTON, DE-NJ-MD	92	92
PITTSBURGH, PENNSYLVANIA AREA OFFICE		
NON METRO STATE: PENNSYLVANIA	57	57
SMSA: ALTOONA, PA	73	73
SMSA: ERIE, PA	73	73
SMSA: JOHNSTOWN, PA	73	73
SMSA: PITTSBURGH, PA	69	69
NON METRO STATE: WEST VIRGINIA	70	70
SMSA: CHARLESTON, WV	76	76
SMSA: CUMBERLAND, MD-WV	100	100
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH	70	70
SMSA: PARKERSBURG-MARIETTA, WV-OH	70	70
SMSA: STEUBENVILLE-WEIRTON, OH-WV	61	61
SMSA: WHEELING, WV-OH	64	64
RICHMOND, VIRGINIA AREA OFFICE		
NON METRO STATE: VIRGINIA	73	73
SMSA: CHARLOTTESVILLE, VA	73	73
SMSA: DANVILLE, VA	73	73

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SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
SMSA: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA	70	70
SMSA: LYNCHBURG, VA	64	64
SMSA: NEWPORT NEWS-HAMPTON, VA	85	85
SMSA: NORFOLK-VIRGINIA BEACH-PORTSMOUTH, VA-NC	101	101
SMSA: PETERSBURG-COLONIAL HEIGHTS-HOPEWELL, VA	77	77
SMSA: RICHMOND, VA	99	99
SMSA: ROANOKE, VA	70	70
WASHINGTON, D.C. AREA OFFICE		
SMSA: WASHINGTON, DC-MD-VA	129	129
ATLANTA, GEORGIA AREA OFFICE		
NON METRO STATE: GEORGIA	52	52
SMSA: ALBANY, GA	45	48
SMSA: ATHENS, GA.	52	52
SMSA: ATLANTA, GA	74	79
SMSA: AUGUSTA, GA-SC	68	70
SMSA: CHATTANOOGA, TN-GA	45	64
SMSA: COLUMBUS, GA-AL	75	81
SMSA: MACON, GA	46	51
SMSA: SAVANNAH, GA	57	64
BIRMINGHAM, ALABAMA AREA OFFICE		
NON METRO STATE: ALABAMA	56	63
SMSA: ANNISTON, AL	58	64
SMSA: BIRMINGHAM, AL	81	89
SMSA: COLUMBUS, GA-AL	75	81
SMSA: FLORENCE, AL	64	70
SMSA: GADSDEN, AL	58	64
SMSA: HUNTSVILLE, AL	81	89
SMSA: MOBILE, AL	65	71
SMSA: MONTGOMERY, AL	65	70
SMSA: TUSCALOOSA, AL	77	85
COLUMBIA, SOUTH CAROLINA AREA AFFICE		

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SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
NON METRO STATE: SOUTH CAROLINA	52	52
SMSA: ANDERSON, SC.	52	52
SMSA: AUGUSTA, GA-SC	68	70
SMSA: CHARLESTON, SC	64	64
SMSA: COLUMBIA, SC	57	64
SMSA: FLORENCE, SC	52	52
SMSA: GREENVILLE-SPARTANBURG, SC	57	57
SMSA: ROCK HILL, SC	52	52
GREENSBORO, NORTH CAROLINA AREA OFFICE		
NON METRO STATE: NORTH CAROLINA	46	57
SMSA: ASHEVILLE, NC	64	76
SMSA: BURLINGTON, NC	64	76
SMSA: CHARLOTTE-GASTONIA, NC	64	76
SMSA: FAYETTEVILLE, NC	64	76
SMSA: GREENSBORO--WINSTON-SALEM--HIGH POINT, NC	64	76
SMSA: HICKORY, NC	46	57
SMSA: JACKSONVILLE, NC	46	57
SMSA: NORFOLK-VIRGINIA BEACH-PORTSMOUTH, VA-NC	101	101
SMSA: RALEIGH-DURHAM, NC	64	76
SMSA: SALISBURY-CONCORD, NC	46	57
SMSA: WILMINGTON, NC	64	76
JACKSON, MISSISSIPPI AREA OFFICE		
NON METRO STATE: MISSISSIPPI	65	77
SMSA: BILOXI-GULFPORT, MS	76	88
SMSA: JACKSON, MS	81	99
SMSA: MEMPHIS, TN-AR-MS	76	76
SMSA: PASCAGOULA-MOSS POINT, MS	64	76
JACKSONVILLE, FLORIDA AREA OFFICE		
NON METRO STATE: FLORIDA	70	70

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SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
SMSA: BRADENTON, FL	99	99
SMSA: DAYTONA BEACH, FL	88	88
SMSA: FORT LAUDERDALE-HOLLYWOOD, FL	147	147
SMSA: FORT MYERS-CAPE CORAL, FL	93	93
SMSA: FORT WALTON BEACH, FL	70	70
SMSA: GAINESVILLE, FL	70	70
SMSA: JACKSONVILLE, FL	64	76
SMSA: LAKELAND-WINTER HAVEN, FL	70	70
SMSA: MELBOURN-TITUSVILLE-COCOA, FL	81	81
SMSA: MIAMI, FL	116	116
SMSA: OCALA, FL	70	70
SMSA: ORLANDO, FL	81	81
SMSA: PANAMA CITY, FL	70	70
SMSA: PENSACOLA, FL	70	70
SMSA: SARASOTA, FL	93	93
SMSA: TALLAHASSEE, FL	64	64
SMSA: TAMPA-ST PETERSBURG, FL	93	93
SMSA: WEST PALM BEACH-BOCA RATON, FL	116	116
LOUISVILLE, KENTUCKY AREA OFFICE		
NON METRO STATE: KENTUCKY	61	67
SMSA: CINCINNATI, OH-KY-IN	88	91
SMSA: CLARKSVILLE-HOPKINSVILLE, TN-KY	64	70
SMSA: EVANSVILLE, IN-KY	57	63
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH	70	70
SMSA: LEXINGTON-FAYETTE , KY	77	86
SMSA: LOUISVILLE, KY-IN	66	73
SMSA: OWENSBORO, KY	71	82
KNOXVILLE, TENNESSEE AREA OFFICE		
NON METRO STATE: TENNESSEE	52	52
SMSA: CHATTANOOGA, TN-GA	45	64
SMSA: CLARKSVILLE-HOPKINSVILLE, TN-KY	64	70
SMSA: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA	70	70
SMSA: KNOXVILLE, TN	57	57

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SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
SMSA: MEMPHIS, TN-AR-MS	76	76
SMSA: NASHVILLE-DAVIDSON, TN	76	88
CHICAGO, ILLINOIS AREA OFFICE		
NON METRO STATE: ILLINOIS	83	88
SMSA: BLOOMINGTON-NORMAL, IL	91	91
SMSA: CHAMPAIGN-URBANA-RANTOUL, IL	75	75
SMSA: CHICAGO, IL	164	176
SMSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL	100	105
SMSA: DECATUR, IL	100	100
SMSA: KANKAKEE, ILLINOIS	73	73
SMSA: PEORIA, IL	134	147
SMSA: ROCKFORD, IL	132	142
SMSA: ST LOUIS, MO-IL	76	88
SMSA: SPRINGFIELD, IL	88	93
COLUMBUS, OHIO AREA OFFICE		
NON METRO STATE: OHIO	58	58
SMSA: AKRON, OH	88	88
SMSA: CANTON, OH	63	63
SMSA: CINCINNATI, OH-KY-IN	87	90
SMSA: CLEVELAND, OH	93	93
SMSA: COLUMBUS, OH	81	93
SMSA: DAYTON, OH	63	63
SMSA: HAMILTON-MIDDLETOWN, OH	71	73
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH	70	70
SMSA: LIMA, OH	81	81
SMSA: LORAIN-ELYRIA, OH	100	100
SMSA: MANSFIELD, OH	76	76
SMSA: PARKERSBURG-MARIETTA, WV-OH	70	70
SMSA: NEWARK, OH	58	58
SMSA: SPRINGFIELD, OH	65	78
SMSA: STEUBENVILLE-WEIRTON, OH-WV	59	59
SMSA: TOLEDO, OH-MI	100	134
SMSA: WHEELING, WV-OH	62	62

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SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
SMSA: YOUNGSTOWN-WARREN, OH	76	76
DETROIT, MICHIGAN AREA OFFICE		
NON METRO STATE: MICHIGAN	88	98
SMSA: ANN ARBOR, MI	118	127
SMSA: BATTLE CREEK, MI	76	88
SMSA: BAY CITY, MI	89	92
SMSA: BENTON HARBOR, MI	88	98
SMSA: DETROIT, MI	115	124
SMSA: FLINT, MI	107	107
SMSA: GRAND RAPIDS, MI	81	87
SMSA: JACKSON, MI	88	88
SMSA: KALAMAZOO-PORTAGE , MI	92	95
SMSA: LANSING-EAST LANSING , MI	103	118
SMSA: MUSKEGON-NORTON SHORES-MUSKEGON HEIGHTS, MI	81	83
SMSA: SAGINAW, MI	93	93
SMSA: TOLEDO, OH-MI	100	134
INDIANAPOLIS, INDIANA AREA OFFICE		
NON METRO STATE: INDIANA	45	59
SMSA: ANDERSON, IN	51	51
SMSA: BLOOMINGTON, IN	48	48
SMSA: CINCINNATI, OH-KY-IN	87	90
SMSA: ELKHART, IN.	66	66
SMSA: EVANSVILLE, IN-KY	60	64
SMSA: FORT WAYNE, IN	57	75
SMSA: GARY-HAMMOND-EAST CHICAGO, IN	80	92
SMSA: INDIANAPOLIS, IN	71	81
SMSA: KOKOMO, IN	66	74
SMSA: LAFAYETTE-WEST LAFAYETTE, IN	61	89
SMSA: LOUISVILLE, KY-IN	64	72
SMSA: MUNCIE, IN	49	55
SMSA: SOUTH BEND, IN	74	78
SMSA: TERRE HAUTE, IN	48	59
EXCEPTION COUNTY: BLACKFORD	52	59

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SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: GRANT	52	59
EXCEPTION COUNTY: HENRY	52	59
EXCEPTION COUNTY: JAY	52	59
EXCEPTION COUNTY: RANDOLPH	52	59
EXCEPTION COUNTY: WAYNE	52	59
MILWAUKEE, WISCONSIN AREA OFFICE		
NON METRO STATE: WISCONSIN	71	76
SMSA: APPLETON-OSHKOSH, WI	88	93
SMSA: DULUTH-SUPERIOR, MN-WI	66	73
SMSA: EAU CLAIRE, WI	83	89
SMSA: GREEN BAY, WI	86	91
SMSA: JANESVILLE-BELOIT,WI	86	91
SMSA: KENOSHA, WI	91	97
SMSA: LA CROSSE, WI	78	85
SMSA: MADISON, WI	128	133
SMSA: MILWAUKEE, WI	100	105
SMSA: MINNEAPOLIS-ST PAUL, MN-WI	105	105
SMSA: RACINE, WI	92	99
SMSA: SHEBOYGAN, WI	71	76
SMSA: WAUSAU, WI	71	76
MINNEAPOLIS-ST. PAUL, MINNESOTA AREA OFFICE		
NON METRO STATE: MINNESOTA	64	64
SMSA: DULUTH-SUPERIOR, MN-WI	66	73
SMSA: FARGO-MOORHEAD, ND-MN	93	105
SMSA: GRAND FORKS, N.D.-MN	81	100
SMSA: MINNEAPOLIS-ST PAUL, MN-WI	105	105
SMSA: ROCHESTER, MN	90	90
SMSA: ST. CLOUD, MN	81	81
DALLAS, TEXAS AREA OFFICE		
NON METRO STATE: TEXAS	55	68

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SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
SMSA: ABILENE, TX	48	54
SMSA: AMARILLO, TX	86	91
SMSA: BEAUMONT-PORT ARTHUR-ORANGE, TX	81	93
SMSA: BRYAN-COLLEGE STATION, TX	79	88
SMSA: DALLAS-FORT WORTH , TX	70	88
SMSA: EL PASO, TX	90	102
SMSA: GALVESTON-TEXAS CITY, TX	93	105
SMSA: HOUSTON, TX	99	115
SMSA: KILLEEN-TEMPLE, TX	81	88
SMSA: LONGVIEW-MARSHALL, TX	76	85
SMSA: LUBBOCK, TX	85	88
SMSA: MIDLAND, TX	88	93
SMSA: ODESSA, TX	88	93
SMSA: SAN ANGELO, TX	76	81
SMSA: SHERMAN-DENISON, TX	70	81
SMSA: TEXARKANA, TX-AR	88	99
SMSA: TYLER, TX	70	74
SMSA: VICTORIA, TX	55	68
SMSA: WACO, TX	73	81
SMSA: WICHITA FALLS, TX	52	57
NON METRO STATE: NEW MEXICO	73	82
SMSA: ALBUQUERQUE, NM	81	93
LITTLE ROCK, ARKANSAS AREA OFFICE		
NON METRO STATE: ARKANSAS	33	37
SMSA: FAYETTEVILLE-SPRINGDALE, AR	53	55
SMSA: FORT SMITH, AR-OK	30	33
SMSA: LITTLE ROCK-NORTH LITTLE ROCK, AR	44	46
SMSA: MEMPHIS, TN-AR-MS	76	76
SMSA: PINE BLUFF, AR	25	27
SMSA: TEXARKANA, TX-AR	88	99
NEW ORLEANS, LOUISIANA AREA OFFICE		
NON METRO STATE: LOUISIANA	65	77

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SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
SMSA: ALEXANDRIA, LA	64	76
SMSA: BATON ROUGE, LA	76	88
SMSA: LAFAYETTE, LA	70	81
SMSA: LAKE CHARLES, LA	75	86
SMSA: MONROE, LA	64	76
SMSA: NEW ORLEANS, LA	79	91
SMSA: SHREVEPORT, LA	70	81
OKLAHOMA CITY, OKLAHOMA AREA OFFICE		
NON METRO STATE: OKLAHOMA	62	68
SMSA: FORT SMITH, AR-OK	30	33
SMSA: LAWTON, OK	63	70
SMSA: OKLAHOMA CITY, OK	65	73
SMSA: TULSA, OK	70	76
SAN ANTONIO, TEXAS AREA OFFICE		
NON METRO STATE: TEXAS	55	68
SMSA: AUSTIN, TX	79	93
SMSA: BROWNSVILLE-HARLINGEN-SAN BENITO, TX	64	76
SMSA: CORPUS CHRISTI, TX	68	88
SMSA: LAREDO, TX	57	70
SMSA: MC ALLEN-PHARR-EDINBURG, TX	75	88
SMSA: SAN ANTONIO, TX	64	76
KANSAS CITY, MISSOURI AREA OFFICE		
NON METRO STATE: KANSAS	63	71
SMSA: KANSAS CITY, MO-KS	77	93
SMSA: LAWRENCE, KS	64	72
SMSA: TOPEKA, KS	63	71
SMSA: WICHITA, KS	72	77
OMAHA, NEBRASKA AREA OFFICE		

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SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
NON METRO STATE: IOWA	71	76
SMSA: CEDAR RAPIDS, IA	81	93
SMSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL	100	105
SMSA: DES MOINES, IA	86	91
SMSA: DUBUQUE, IA	81	99
SMSA: IOWA CITY, IA.	81	91
SMSA: OMAHA, NE-IA	76	88
SMSA: SIOUX CITY, IA-NE	78	78
SMSA: WATERLOO-CEDAR FALLS, IA	81	93
NON METRO STATE: NEBRASKA	65	79
SMSA: LINCOLN, NE	87	91
SMSA: OMAHA, NE-IA	76	88
SMSA: SIOUX CITY, IA-NE	78	78
ST. LOUIS, MISSOURI AREA OFFICE		
NON METRO STATE: MISSOURI	50	56
SMSA: COLUMBIA, MO	71	76
SMSA: JOPLIN, MO	50	56
KANSAS CITY, MISSOURI AREA OFFICE		
SMSA: KANSAS CITY, MO-KS	77	93
SMSA: ST JOSEPH, MO	72	78
SMSA: ST LOUIS, MO-IL	76	88
ST. LOUIS, MISSOURI AREA OFFICE		
SMSA: SPRINGFIELD, MO	52	57
DENVER, COLORADO REGIONAL:AREA OFFICE		
NON METRO STATE: NORTH DAKOTA	80	91

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SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
SMSA: BISMARCK, N.D.	112	125
SMSA: FARGO-MOORHEAD, ND-MN	99	111
SMSA: GRAND FORKS, N.D.-MN	86	106
NON METRO STATE: SOUTH DAKOTA	68	80
SMSA: SIOUX FALLS, SD	95	107
NON METRO STATE: MONTANA	N/A	N/A
SMSA: BILLINGS, MT	120	133
SMSA: GREAT FALLS, MT	101	113
EXCEPTION COUNTY: BEAVERHEAD	95	108
EXCEPTION COUNTY: BIG HORN	95	108
EXCEPTION COUNTY: BLAINE	69	81
EXCEPTION COUNTY: BROADWATER	95	108
EXCEPTION COUNTY: CARBON	95	108
EXCEPTION COUNTY: CARTER	69	81
EXCEPTION COUNTY: CHOUTEAU	69	81
EXCEPTION COUNTY: CUSTER	95	108
EXCEPTION COUNTY: DANIELS	69	81
EXCEPTION COUNTY: DAWSON	95	108
EXCEPTION COUNTY: DEER LODGE	95	108
EXCEPTION COUNTY: FALLON	69	81
EXCEPTION COUNTY: FERGUS	69	81
EXCEPTION COUNTY: FLATHEAD	95	108
EXCEPTION COUNTY: GALLATIN	95	108
EXCEPTION COUNTY: GARFIELD	69	81
EXCEPTION COUNTY: GLACIER	69	81
EXCEPTION COUNTY: GOLDEN VALLE	69	81
EXCEPTION COUNTY: GRANITE	95	108
EXCEPTION COUNTY: HILL	69	81
EXCEPTION COUNTY: JEFFERSON	95	108
EXCEPTION COUNTY: JUDITH BASIN	69	81
EXCEPTION COUNTY: LAKE	95	108
EXCEPTION COUNTY: LEWIS+ CLARK	95	108
EXCEPTION COUNTY: LIBERTY	69	81
EXCEPTION COUNTY: LINCOLN	95	108
EXCEPTION COUNTY: MCCONE	69	81

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SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: MADISON	95	108
EXCEPTION COUNTY: MEAGHER	95	108
EXCEPTION COUNTY: MINERAL	95	108
EXCEPTION COUNTY: MISSOULA	95	108
EXCEPTION COUNTY: MUSSELSHELL	95	108
EXCEPTION COUNTY: PARK	95	108
EXCEPTION COUNTY: PETROLEUM	69	81
EXCEPTION COUNTY: PHILLIPS	69	81
EXCEPTION COUNTY: PONDERA	69	81
EXCEPTION COUNTY: POWDER RIVER	95	108
EXCEPTION COUNTY: POWELL	95	108
EXCEPTION COUNTY: PRAIRIE	69	81
EXCEPTION COUNTY: RAVALLI	95	108
EXCEPTION COUNTY: RICHLAND	69	81
EXCEPTION COUNTY: ROOSEVELT	69	81
EXCEPTION COUNTY: ROSEBUD	95	108
EXCEPTION COUNTY: SANDERS	95	108
EXCEPTION COUNTY: SHERIDAN	69	81
EXCEPTION COUNTY: SILVER BOW	95	108
EXCEPTION COUNTY: STILLWATER	69	81
EXCEPTION COUNTY: SWEET GRASS	69	81
EXCEPTION COUNTY: TETON	69	81
EXCEPTION COUNTY: TOOLE	69	81
EXCEPTION COUNTY: TREASURE	95	108
EXCEPTION COUNTY: VALLEY	69	81
EXCEPTION COUNTY: WHEATLAND	69	81
EXCEPTION COUNTY: WIBAUX	69	81
EXCEPTION COUNTY: YL-ST-NT-PK	95	108
NON METRO STATE: WYOMING	N/A	N/A
EXCEPTION COUNTY: ALBANY	95	114
EXCEPTION COUNTY: BIG HORN	95	114
EXCEPTION COUNTY: CAMPBELL	160	172
EXCEPTION COUNTY: CARBON	160	172
EXCEPTION COUNTY: CONVERSE	160	172
EXCEPTION COUNTY: CROOK	95	114
EXCEPTION COUNTY: FREMONT	160	172
EXCEPTION COUNTY: GOSHEN	95	114
EXCEPTION COUNTY: HOT SPRINGS	95	114

(A) PREPARED BY HUD - EMAD (CO), MARCH 29, 1983

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: JOHNSON	95	114
EXCEPTION COUNTY: LARAMIE	95	114
EXCEPTION COUNTY: LINCOLN	95	114
EXCEPTION COUNTY: NATRONA	160	172
EXCEPTION COUNTY: NIOBRARA	95	114
SMSA: CASPER, WY	N/A	N/A
EXCEPTION COUNTY: PARK	95	114
EXCEPTION COUNTY: PLATTE	95	114
EXCEPTION COUNTY: SHERIDAN	160	172
EXCEPTION COUNTY: SUBLETTE	95	114
EXCEPTION COUNTY: SWEETWATER	160	172
EXCEPTION COUNTY: TETON	95	114
EXCEPTION COUNTY: UINTA	95	114
EXCEPTION COUNTY: WASHAKIE	95	114
EXCEPTION COUNTY: WESTON	95	114
NON METRO STATE: COLORADO	N/A	N/A
SMSA: COLORADO SPRINGS, CO	101	113
SMSA: DENVER-BOULDER , CO	139	160
SMSA: FORT COLLINS, CO	95	108
SMSA: GREELEY, CO	95	108
SMSA: PUEBLO, CO	95	108
EXCEPTION COUNTY: ALAMOSA	81	95
EXCEPTION COUNTY: ARCHULETA	95	108
EXCEPTION COUNTY: BACA	81	95
EXCEPTION COUNTY: BENT	81	95
EXCEPTION COUNTY: CHAFFEE	95	108
EXCEPTION COUNTY: CHEYENNE	81	95
EXCEPTION COUNTY: CLEAR CREEK	95	108
EXCEPTION COUNTY: CONEJOS	81	95
EXCEPTION COUNTY: COSTILLA	81	95
EXCEPTION COUNTY: CROWLEY	81	95
EXCEPTION COUNTY: CUSTER	95	108
EXCEPTION COUNTY: DELTA	95	108
EXCEPTION COUNTY: DELORES	95	108
EXCEPTION COUNTY: EAGLE	153	172
EXCEPTION COUNTY: ELBERT	81	95
EXCEPTION COUNTY: FREMONT	95	108
EXCEPTION COUNTY: GARFIELD	153	172

(A) PREPARED BY HUD - EMAD (CO), MARCH 29, 1983

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: GRAND	95	108
EXCEPTION COUNTY: GUNNISON	95	108
EXCEPTION COUNTY: HINSDALE	95	108
EXCEPTION COUNTY: HUERFANO	81	95
EXCEPTION COUNTY: JACKSON	95	108
EXCEPTION COUNTY: KIOWA	81	95
EXCEPTION COUNTY: KIT CARSON	81	95
EXCEPTION COUNTY: LAKE	95	108
EXCEPTION COUNTY: LA PLATA	95	108
EXCEPTION COUNTY: LAS ANIMAS	81	95
EXCEPTION COUNTY: LINCOLN	81	95
EXCEPTION COUNTY: LOGAN	81	95
EXCEPTION COUNTY: MESA	95	108
EXCEPTION COUNTY: MINERAL	81	95
EXCEPTION COUNTY: MOFFAT	153	172
EXCEPTION COUNTY: MONTEZUMA	95	108
EXCEPTION COUNTY: MONTROSE	95	108
EXCEPTION COUNTY: MORGAN	81	95
EXCEPTION COUNTY: OTERO	81	95
EXCEPTION COUNTY: OURAY	95	108
EXCEPTION COUNTY: PARK	95	108
EXCEPTION COUNTY: PHILLIPS	81	95
EXCEPTION COUNTY: PITKIN	153	172
EXCEPTION COUNTY: PROWERS	81	95
EXCEPTION COUNTY: RIO BLANCO	153	172
EXCEPTION COUNTY: RIO GRANDE	81	95
EXCEPTION COUNTY: ROUTT	153	172
EXCEPTION COUNTY: SAGUACHE	81	95
EXCEPTION COUNTY: SAN JUAN	95	108
EXCEPTION COUNTY: SAN MIGUEL	95	108
EXCEPTION COUNTY: SEDGWICK	81	95
EXCEPTION COUNTY: SUMMIT	153	172
EXCEPTION COUNTY: WASHINGTON	81	95
EXCEPTION COUNTY: YUMA	81	95
NON METRO STATE: UTAH	N/A	N/A
SMSA: PROVO-OREM, UT	95	108
SMSA: SALT LAKE CITY-OGDEN, UT	108	120
EXCEPTION COUNTY: BEAVER	69	81

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SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: BOX ELDER	69	81
EXCEPTION COUNTY: CACHE	69	81
EXCEPTION COUNTY: CARBON	95	108
EXCEPTION COUNTY: DAGGETT	69	81
EXCEPTION COUNTY: DUCHESNE	69	81
EXCEPTION COUNTY: EMERY	95	108
EXCEPTION COUNTY: GARFIELD	69	81
EXCEPTION COUNTY: GRAND	95	108
EXCEPTION COUNTY: IRON	69	81
EXCEPTION COUNTY: JUAB	69	81
EXCEPTION COUNTY: KANE	69	81
EXCEPTION COUNTY: MILLARD	69	81
EXCEPTION COUNTY: MORGAN	69	81
EXCEPTION COUNTY: PIUTE	69	81
EXCEPTION COUNTY: RICH	69	81
EXCEPTION COUNTY: SAN JUAN	69	81
EXCEPTION COUNTY: SANPETE	69	81
EXCEPTION COUNTY: SEVIER	69	81
EXCEPTION COUNTY: SUMMIT	69	81
EXCEPTION COUNTY: UINTAH	95	108
EXCEPTION COUNTY: WASATCH	69	81
EXCEPTION COUNTY: WASHINGTON	69	81
EXCEPTION COUNTY: WAYNE	69	81
HONOLULU, HAWAII AREA OFFICE		
SMSA: HONOLULU, HI	N/A	N/A
LOS ANGELES, CALIFORNIA AREA OFFICE		
NON METRO STATE: ARIZONA	69	88
SMSA: PHOENIX, AZ	95	113
SMSA: TUCSON, AZ	69	95
NON METRO STATE: CALIFORNIA	108	140
SMSA: ANAHEIM-SANTA ANA-GARDEN GROVE, CA	209	209
SMSA: BAKERSFIELD, CA	101	152
SMSA: CHICO, CA	108	140

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SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
SMSA: LOS ANGELES-LONG BEACH, CA	120	198
SMSA: OXNARD-SIMI VALLEY-VENTURA, CA	133	229
SMSA: REDDING, CA	108	140
SMSA: RIVERSIDE-SAN BERNARDINO-ONTARIO, CA	101	160
SMSA: SAN DIEGO, CA	152	191
SMSA: SANTA BARBARA-SANTA MARIA-LOMPOC, CA	126	191
SMSA: VISALIA-TULARE-PORTERVILLE, CA	108	140
SMSA: YUBA CITY, CA	108	140
EXCEPTION COUNTY: SAN LUIS OBI	122	153
SAN FRANCISCO, CALIFORNIA AREA OFFICE		
NON METRO STATE: NEVADA	76	88
SMSA: LAS VEGAS, NV	160	177
SMSA: RENO, NV	160	177
NON METRO STATE: CALIFORNIA	108	140
SMSA: FRESNO, CA	152	172
SMSA: MODESTO, CA	160	172
SMSA: SACRAMENTO, CA	123	148
SMSA: SALINAS-SEASIDE-MONTEREY, CA	152	191
SMSA: SAN FRANCISCO-OAKLAND, CA	176	229
SMSA: SAN JOSE, CA	160	236
SMSA: SANTA CRUZ, CA	152	191
SMSA: SANTA ROSA, CA	152	184
SMSA: STOCKTON, CA	160	172
SMSA: VALLEJO-FAIRFIELD-NAPA, CA	146	165
ANCHORAGE, ALASKA AREA OFFICE		
NON METRO STATE: ALASKA	166	166
SMSA: ANCHORAGE, AK	163	163
PORTLAND, OREGON AREA OFFICE		
NON METRO STATE: IDAHO	81	81

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SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
SMSA: BOISE CITY, ID	87	100
NON METRO STATE: OREGON	102	108
SMSA: EUGENE-SPRINGFIELD, OR	120	122
SMSA: MEDFORD, OR	102	108
SMSA: PORTLAND, OR-WA	139	154
SMSA: SALEM, OR	120	122
SEATTLE, WASHINGTON AREA OFFICE		
NON METRO STATE: WASHINGTON	88	102
SMSA: BELLINGHAM, WA	88	112
SMSA: BREMERTON, WA	88	112
SMSA: OLYMPIA, WA	88	112
SMSA: RICHLAND-KENNEWICK-PASCO, WA	120	120
SMSA: SEATTLE-EVERETT, WA	113	160
SMSA: SPOKANE, WA	95	108
SMSA: TACOMA, WA	101	120
SMSA: YAKIMA, WA	95	101

(A) PREPARED BY HUD - EMAD (CO), MARCH 29, 1983

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FAIR MARKET RENTS FOR EXISTING HOUSING - SCHEDULE B & D -- EXPLANATORY NOTE - DEFINITIONS OF STANDARD METROPOLITAN STATISTICAL AREAS

CODE	SMSA TITLE	SMSA DEFINITION
40	ABILENE, TEX	CONSISTS OF CALLAHAN, JONES, AND TAYLOR COUNTIES, TEX. (PRIOR TO 1973, DEFINITION EXCLUDES CALLAHAN COUNTY, TEX. NEW AREA, AUGUST 1960.)
80	AKRON, OH.	CONSISTS OF PORTAGE AND SUMMIT COUNTIES, OH. (PRIOR TO 1964, DEFINITION EXCLUDES PORTAGE COUNTY, OHIO.)
120	ALBANY, GA.	CONSISTS OF DOUGHERTY AND LEE COUNTIES, GA. (PRIOR TO 1973, DEFINITION EXCLUDES LEE COUNTY, GA. NEW AREA, AUGUST 1960.)
160	ALBANY-SCHENECTADY-TROY, N.Y.	CONSISTS OF ALBANY, MONTGOMERY, RENSSELAER, SARATOGA AND SCHENECTADY COUNTIES, N.Y. (PRIOR TO 1973, DEFINITION EXCLUDES MONTGOMERY COUNTY, N.Y.)
200	ALBUQUERQUE, N.MEX.	CONSISTS OF BERNALILLO AND SANDOVAL COUNTIES, N.MEX. (PRIOR TO 1973, DEFINITION EXCLUDES SANDOVAL COUNTY, N.MEX.)
220	ALEXANDRIA, LA.	CONSISTS OF GRANT AND RAPIDES PARISHES, LA. (PRIOR TO 1973, DEFINITION EXCLUDES GRANT PARISH, LA. NEW AREA, NOV. 1971.)
240	ALLENTOWN-BETHLEHEM-EASTON, PA.-N.J.	CONSISTS OF CARBON, LEHIGH, AND NORTHAMPTON COUNTIES, PA. AND WARREN COUNTY, N.J. (PRIOR TO 1973, DEFINITION EXCLUDES CARBON COUNTY, PA.)
280	ALTOONA, PA.	COEXTENSIVE WITH BLAIR COUNTY, PA.
320	AMARILLO, TEX	CONSISTS OF POTTER AND RANDALL COUNTIES, TEX.
360	ANAHEIM-SANTA ANA-GARDEN GROVE, CALIF	COEXTENSIVE WITH ORANGE COUNTY, CALIF. (NEW AREA, OCTOBER 1963.)
380	ANCHORAGE, ALASKA	COEXTENSIVE WITH ANCHORAGE CENSUS DIVISION, ALASKA. (NEW AREA, NOVEMBER 1971.)
400	ANDERSON, IND	COEXTENSIVE WITH MADISON COUNTY, IND. (DELETED NOV. 1960, RESTORED OCT. 1964.)
405	ANDERSON, S.C.	COEXTENSIVE WITH ANDERSON COUNTY, S.C. (NEW AREA AS OF JUNE 19, 1981.)
440	ANN ARBOR, MICH.	COEXTENSIVE WITH WASHTENAW COUNTY, MICH.
450	ANNISTON, ALA.	COEXTENSIVE WITH CALHOUN COUNTY, ALA. (NEW AREA, NOVEMBER 1973.)
460	APPLETON-OSHKOSH, WIS.	CONSISTS OF CALUMET, OUTAGAMIE, AND WINNEBAGO COUNTIES, WIS. NEW AREA, FEBRUARY 1971.)
470	ARECIBO, PUERTO RICO	CONSISTS OF ARECIBO, CAMUY, AND HATILLO MUNICIPIOS, PUERTO RICO. (NEW AREA AS OF JUNE 19, 1981.)
480	ASHEVILLE, N.C.	CONSISTS OF BUNCOMBE AND MADISON COUNTIES, N.C. (PRIOR TO 1973, DEFINITION EXCLUDES MADISON COUNTY, N.C.)
500	ATHENS, GA.	CONSISTS OF CLARKE, JACKSON, MADISON, AND OCONEE COUNTIES, GA. (NEW AREA AS OF JUNE 19, 1981.)
520	ATLANTA, GA.	CONSISTS OF BUTTS, CHEROKEE, CLAYTON, COBB, DE KALB, DOUGLAS, FAYETTE, FORSYTH, FULTON, GWINNETT, HENRY, NEWTON, PAULDING, ROCKDALE, AND WALTON COUNTIES, GA. (PRIOR TO 1973, DEFINITION EXCLUDES BUTTS, CHEROKEE, DOUGLAS, FAYETTE, FORSYTH, HENRY, NEWTON, PAULDING, ROCKDALE, AND WALTON COUNTIES, GA.)
560	ATLANTIC CITY, N.J.	COEXTENSIVE WITH ATLANTIC COUNTY, N.J.
600	AUGUSTA, GA.-S.C.	CONSISTS OF COLUMBIA AND RICHMOND COUNTIES, GA., AND AIKEN COUNTY, S.C. (PRIOR TO 1973, DEFINITION EXCLUDES COLUMBIA COUNTY, GA.)
640	AUSTIN, TEX.	CONSISTS OF HAYS, TRAVIS, AND WILLIAMSON COUNTIES, TEX. (PRIOR TO 1977, DEFINITION EXCLUDES WILLIAMSON COUNTY, TEX. PRIOR TO 1973, DEFINITION EXCLUDES HAYS COUNTY, TEX.)
680	BAKERSFIELD, CALIF.	COEXTENSIVE WITH KERN COUNTY, CALIF.
720	BALTIMORE, MD.	CONSISTS OF BALTIMORE CITY AND ANNE ARUNDEL, BALTIMORE, CARROLL, HARFORD AND HOWARD COUNTIES, MD. (PRIOR TO 1967, DEFINITION EXCLUDES HARFORD COUNTY, MD.)
730	BANGOR, MAINE	CONSISTS OF BANGOR, BREWER, AND OLD TOWN CITIES, AND EDDINGTON, GLENBURN, HAMPDEN, HERMON, HOLDEN, KENDUSKEAG, ORONO, ORRINGTON AND VEAZIE TOWNS, AND PENOBSCOT INDIAN ISLAND INDIAN RESERVATION IN PENOBSCOTT COUNTY, MAINE AND WINTERPORT TOWN IN WALDO COUNTY, MAINE. (NEW AREA AS OF JUNE 19, 1981.)
760	BATON ROUGE, LA.	CONSISTS OF ASCENSION, EAST BATON ROUGE, LIVINGSTON, AND WEST BATON ROUGE PARISHES, LA. (PRIOR TO 1973, DEFINITION EXCLUDES ASCENSION, LIVINGSTON, AND WEST BATON ROUGE PARISHES, LA.)
780	BATTLE CREEK, MICH.	CONSISTS OF BARRY AND CALHOUN COUNTIES, MICH. (PRIOR TO 1973, DEFINITION

CODE	SMSA TITLE	SMSA DEFINITION
		EXCLUDES BARRY COUNTY, MICH. NEW AREA, NOVEMBER 1971.)
800	BAY CITY, MICH.	COEXTENSIVE WITH BAY COUNTY, MICH.
840	BEAUMONT-PORT ARTHUR-ORANGE, TEX.	CONSISTS OF HARDIN, JEFFERSON, AND ORANGE COUNTIES, TEX. (PRIOR TO 1973, DEFINITION EXCLUDES HARDIN COUNTY, AND PRIOR TO 1967, AREA TITLE EXCLUDES ORANGE CITY, TEX.)
860	BELLINGHAM, WASH.	COEXTENSIVE WITH WHATCOM COUNTY, WASH. (NEW AREA AS OF JUNE 19, 1981.)
870	BENTON HARBOR, MICH.	COEXTENSIVE WITH BERRIEN COUNTY, MICH. (NEW AREA AS OF JUNE 19, 1981.)
880	BILLINGS, MONT.	COEXTENSIVE WITH YELLOWSTONE COUNTY, MONT. (NEW AREA, AUGUST 1960.)
920	BILOXI-GULFPORT, MISS.	CONSISTS OF HANCOCK, HARRISON, AND STONE COUNTIES, MISS. (PRIOR TO 1973, DEFINITION EXCLUDES HANCOCK AND STONE COUNTIES, MISS. NEW AREA, JAN. 1968.)
960	BINGHAMTON, N.Y.-PA.	CONSISTS OF BROOME AND TIOGA COUNTIES, N.Y., AND SUSQUEHANNA COUNTY, PA. (PRIOR TO 1964, DEFINITION EXCLUDES TIOGA COUNTY, N.Y. AND SUSQUEHANNA COUNTY, PA.)
1000	BIRMINGHAM, ALA.	CONSISTS OF JEFFERSON, ST. CLAIR, SHELBY, AND WALKER COUNTIES, ALA. (PRIOR TO 1973, DEFINITION EXCLUDES ST. CLAIR COUNTY, AND PRIOR TO 1967, DEFINITION EXCLUDES SHELBY AND WALKER COUNTIES, ALA.)
1010	BISMARCK, N.D.	CONSISTS OF BURLEIGH AND MORTON COUNTIES, N.D. (NEW AREA, APRIL 1979.)
1020	BLOOMINGTON, IND.	COEXTENSIVE WITH MONROE COUNTY, IND. (NEW AREA, AUGUST 1975.)
1040	BLOOMINGTON-NORMAL, ILL.	COEXTENSIVE WITH MCLEAN COUNTY, ILL. (NEW AREA, JULY 1965.)
1080	BOISE CITY, IDAHO	COEXTENSIVE WITH ADA COUNTY, IDAHO. (NEW AREA, OCTOBER 1963.)
1120	BOSTON, MASS.	CONSISTS OF BEVERLY, LYNN, PEABODY, AND SALEM CITIES, AND BOXFORD, DANVERS, HAMILTON, LYNNFIELD, MANCHESTER, MARBLEHEAD, MIDDLETON, NAHANT, SAUGUS, SWAMPSCOTT, TOPSFIELD, AND WENHAM TOWNS IN ESSEX COUNTY; CAMBRIDGE, EVERETT, MALDEN, MEDFORD, MELROSE, NEWTON, SOMERVILLE, WALTHAM AND WOBURN CITIES, AND ACTON, ARLINGTON, ASHLAND, BEDFORD, BELMONT, BOXBOROUGH, BURLINGTON, CARLISLE, CONCORD, FRAMINGHAM, HOLLISTON, LEXINGTON, LINCOLN, NATICK, NORTH READING, READING, SHERBORN, STONEHAM, SUDBURY, WAKEFIELD, WATERTOWN, WAYLAND, WESTON, WILMINGTON, AND WINCHESTER TOWNS IN MIDDLESEX COUNTY; QUINCY CITY, AND BELLINGHAM, BRAINTREE, BROOKLINE, CANTON, COHASSET, DEDHAM, DOVER, FOXBOROUGH, FRANKLIN, HOLBROOK, MEDFIELD, MEDWAY, MILLIS, MILTON, NEEDHAM, NORFOLK, NORWOOD, RANDOLPH, SHARON, STOUGHTON, WALPOLE, WELLESLEY, WESTWOOD, WEYMOUTH AND WRENTHAM TOWNS IN NORFOLK COUNTY; ABINGTON, DUXBURY, HANOVER, HANSON, HINGHAM, HULL, KINGSTON, MARSHFIELD, NORWELL, PEMBROKE, ROCKLAND, AND SCITUATE TOWNS IN PLYMOUTH COUNTY; AND ALL OF SUFFOLK COUNTY, MASS. (PRIOR TO 1973 DEFINITION EXCLUDES BOXFORD TOWN IN ESSEX COUNTY; ACTON, BOXBOROUGH, CARLISLE, AND HOLLISTON TOWNS IN MIDDLESEX COUNTY; BELLINGHAM, FOXBOROUGH, FRANKLIN, MEDWAY, STOUGHTON AND WRENTHAM TOWNS IN NORFOLK COUNTY; AND ABINGTON, HANSON, AND KINGSTON TOWNS IN PLYMOUTH COUNTY. PRIOR TO 1964, DEFINITION EXCLUDES SHERBORN TOWN IN MIDDLESEX COUNTY AND MILLIS TOWN IN NORFOLK COUNTY, MASS.)
1140	BRADENTON, FLA.	CONSISTS OF MANATEE COUNTY, FLA. (NEW AREA, JUNE 1977.)
1150	BREMERTON, WASH.	COEXTENSIVE WITH KITSAP COUNTY, WASH. (NEW AREA AS OF JUNE 19, 1981.)
1160	BRIDGEPORT, CONN.	CONSISTS OF BRIDGEPORT AND SHELTON CITIES, AND EASTON, FAIRFIELD, MONROE, STRATFORD, AND TRUMBULL TOWNS IN FAIRFIELD COUNTY; DERBY AND MILFORD CITIES IN NEW HAVEN COUNTY, CONN. (PRIOR TO 1973, DEFINITION EXCLUDES DERBY CITY IN NEW HAVEN COUNTY, AND PRIOR TO 1964 DEFINITION EXCLUDES EASTON TOWN IN FAIRFIELD COUNTY, CONN.)
1170	BRISTOL, CONN.	CONSISTS OF BRISTOL CITY AND BURLINGTON TOWN IN HARTFORD COUNTY; PLYMOUTH TOWN IN LITCHFIELD COUNTY, CONN. (PRIOR TO 1973, DEFINITION EXCLUDES BURLINGTON TOWN IN HARTFORD COUNTY. NEW AREA, FEBRUARY 1971.)
1200	BROCKTON, MASS.	CONSISTS OF EASTON TOWN IN BRISTOL COUNTY; AVON TOWN IN NORFOLK COUNTY; BROCKTON CITY, AND BRIDGEWATER, EAST BRIDGEWATER, HALIFAX, WEST BRIDGEWATER AND WHITMAN TOWNS IN PLYMOUTH COUNTY, MASS. (PRIOR TO 1973, DEFINITION EXCLUDES

FAIR MARKET RENTS FOR EXISTING HOUSING - SCHEDULE B & D -- EXPLANATORY NOTE - DEFINITIONS OF STANDARD METROPOLITAN STATISTICAL AREAS

CODE	SMSA TITLE	SMSA DEFINITION
		HALIFAX TOWN IN PLYMOUTH COUNTY, AND INCLUDES STOUGHTON TOWN IN NORFOLK COUNTY AND ABINGTON AND HANSON TOWNS IN PLYMOUTH COUNTY MASS.)
1240	BROWNSVILLE-HARLINGEN, SAN BENITO, TEX.	COEXTENSIVE WITH CAMERON COUNTY, TEX. (NEW AREA, AUGUST 1960.)
1260	BRYAN-COLLEGE STATION, TEX.	COEXTENSIVE WITH BRAZOS COUNTY, TEX. (NEW AREA, FEBRUARY 1971.)
1280	BUFFALO, N.Y.	CONSISTS OF ERIE AND NIAGARA COUNTIES, N.Y.
1300	BURLINGTON, N.C.	COEXTENSIVE WITH ALAMANCE COUNTY, N.C. (NEW AREA, APRIL 1973.)
1305	BURLINGTON, VT.	CONSISTS OF BURLINGTON, SOUTH BURLINGTON, AND WINOOSKI CITIES, AND CHARLOTTE, COLCHESTER, ESSEX, HINESBURG, JERICHO, MILTON, RICHMOND, ST. GEORGE, SHELBURNE AND WILLISTON TOWNS IN CHITTENDEN COUNTY, VT; GEORGIA TOWN IN FRANKLIN COUNTY; AND SOUTH HERO TOWN IN GRAND ISLE COUNTY, VT. (NEW AREA AS OF JUNE 19, 1981.)
1320	CANTON, OHIO	CONSISTS OF CARROLL AND STARK COUNTIES, OHIO. (PRIOR TO 1973, DEFINITION EXCLUDES CARROLL COUNTY, OHIO.)
1350	CASPER, WYO.	COEXTENSIVE WITH NATRONA COUNTY, WYO. (NEW AREA AS OF JUNE 19, 1981.)
1360	CEDAR RAPIDS, IOWA	COEXTENSIVE WITH LINN COUNTY, IOWA.
1400	CHAMPAIGN-URBANA-RANTOUL, ILL.	COEXTENSIVE WITH CHAMPAIGN COUNTY, ILL. (PRIOR TO 1973, AREA TITLE EXCLUDES RANTOUL.)
1440	CHARLESTON-NORTH CHARLESTON, S.C.	CONSISTS OF BERKELEY, CHARLESTON AND DORCHESTER COUNTIES, S.C. (PRIOR TO 1975, AREA TITLE EXCLUDES NORTH CHARLESTON. PRIOR TO 1973, DEFINITION EXCLUDES DORCHESTER COUNTY, AND PRIOR TO 1964, DEFINITION EXCLUDES BERKELEY COUNTY, SC)
1480	CHARLESTON, W.VA.	CONSISTS OF KANAWHA AND PUTNAM COUNTIES, W.VA. (PRIOR TO 1973, DEFINITION EXCLUDES PUTNAM COUNTY, W.VA.)
1520	CHARLOTTE-GASTONIA, N.C.	CONSISTS OF GASTON, MECKLENBURG, AND UNION COUNTIES, N.C. (PRIOR TO 1973, AREA TITLE EXCLUDES GASTONIA AND DEFINITION EXCLUDES GASTON COUNTY. PRIOR TO 1964, DEFINITION EXCLUDES UNION COUNTY, N.C.)
1540	CHARLOTTESVILLE, VA.	CONSISTS OF ALBEMARLE, FLUVANA, AND GREENE COUNTIES, VA., AND CHARLOTTESVILLE CITY, VA. (NEW AREA AS OF JUNE 19, 1981.)
1560	CHATTANOOGA, TENN.-GA.	CONSISTS OF HAMILTON, MARION, AND SEQUATCHIE COUNTIES, TENN., AND CATOOSA, DADE, AND WALKER COUNTIES, GA. (PRIOR TO 1973, DEFINITION EXCLUDES MARION AND SEQUATCHIE COUNTIES, TENN., AND CATOOSA AND DADE COUNTIES, GA.)
1600	CHICAGO, ILL.	CONSISTS OF COOK, DU PAGE, KANE, LAKE MCHENRY, AND WILL COUNTIES, ILL.
1620	CHICO, CALIF.	COEXTENSIVE WITH BUTTE COUNTY, CALIF. (NEW AREA AS OF JUNE 19, 1981.)
1640	CINCINNATI, OH.-KY.-IND.	CONSISTS OF CLERMONT, HAMILTON, AND WARREN COUNTIES, OH; BOONE, CAMPBELL, AND KENTON COUNTIES, KY; AND DEARBORN COUNTY, IND. (PRIOR TO 1964 DEFINITION EXCLUDES CLERMONT AND WARREN COUNTIES, OH; BOONE COUNTY, KY; AND DEARBORN COUNTY, IND.)
1660	CLARKSVILLE-HOPKINSVILLE, TENN.-KY.	CONSISTS OF MONTGOMERY COUNTY, TENN., AND CHRISTIAN COUNTY, KY. (NEW AREA, APRIL 1974.)
1680	CLEVELAND, OH.	CONSISTS OF CUYAHOGA, GEAUGA, LAKE, AND MEDINA COUNTIES, OH. (PRIOR TO 1964, DEFINITION EXCLUDES GEAUGA AND MEDINA COUNTIES, OH.)
1720	COLORADO SPRINGS, COLO.	CONSISTS OF EL PASO AND TELLER COUNTIES, COLO. (PRIOR TO 1973, DEFINITION EXCLUDES TELLER COUNTY, COLO. NEW AREA, AUGUST 1960.)
1740	COLUMBIA, MO.	COEXTENSIVE WITH BOONE COUNTY, MO. (NEW AREA, FEBRUARY 1971.)
1760	COLUMBIA, S.C.	CONSISTS OF LEXINGTON AND RICHLAND COUNTIES, S.C.
1800	COLUMBUS, GA.-ALA.	CONSISTS OF CHATTAHOOCHEE AND MUSKOGEE COUNTIES, GA.; AND RUSSELL COUNTY, ALA.
1840	COLUMBUS, OHIO	CONSISTS OF DELAWARE, FAIRFIELD, FRANKLIN, MADISON, AND PICKAWAY COUNTIES, OHIO. (PRIOR TO 1973, DEFINITION EXCLUDES FAIRFIELD AND MADISON COUNTIES. PRIOR TO 1964, DEFINITION EXCLUDES DELAWARE AND PICKAWAY COUNTIES, OHIO.)
1880	CORPUS CHRISTI, TEX.	CONSISTS OF NUECES AND SAN PATRICIO COUNTIES, TEX. (PRIOR TO JULY 1965, DEFINITION EXCLUDES SAN PATRICIO COUNTY, TEX.)
1900	CUMBERLAND, MD.-W.VA.	CONSISTS OF ALLEGANY COUNTY, MD. AND MINERAL COUNTY, W.VA. (NEW AREA AS OF JUNE 19, 1981.)

FAIR MARKET RENTS FOR EXISTING HOUSING - SCHEDULE B & D -- EXPLANATORY NOTE - DEFINITIONS OF STANDARD METROPOLITAN STATISTICAL AREAS

CODE	SMSA TITLE	SMSA DEFINITION
1920	DALLAS-FORT WORTH, TEX.	CONSISTS OF COLLIN, DALLAS, DENTON, ELLIS, HOOD, JOHNSON, KAUFMAN, PARKER, ROCKWALL, TARRANT AND WISE COUNTIES, TEX. (PRIOR TO 1973, AREA TITLE EXCLUDES FORT WORTH, AND DEFINITION EXCLUDES HOOD, JOHNSON, PARKER TARRANT AND WISE COUNTIES, TEX. PRIOR TO 1967, DEFINITION EXCLUDES KAUFMAN AND ROCKWALL COUNTIES, TEX.)
1930	DANBURY, CONN.	CONSISTS OF DANBURY CITY, AND BETHEL, BROOKFIELD, NEW FAIRFIELD, NEWTOWN, AND REDDING TOWNS IN FAIRFIELD COUNTY AND NEW MILFORD TOWN IN LITCHFIELD COUNTY, CONN. (PRIOR TO 1973, DEFINITION EXCLUDES NEWTOWN AND REDDING TOWNS IN FAIRFIELD COUNTY, AND NEW MILFORD TOWN IN LITCHFIELD COUNTY. NEW AREA, FEBRUARY 1971.)
1950	DANVILLE, VA.	CONSISTS OF PITTSYLVANIA COUNTY, VA., AND DANVILLE CITY, VA. (NEW AREA AS OF JUNE 19, 1981.)
1960	DAVENPORT-ROCK ISLAND-MOLINE, IOWA-ILL.	CONSISTS OF SCOTT COUNTY, IOWA, AND HENRY AND ROCK ISLAND COUNTIES, ILL. (PRIOR TO 1964, DEFINITION EXCLUDES HENRY COUNTY, ILL.)
2000	DAYTON, OHIO	CONSISTS OF GREENE, MIAMI, MONTGOMERY, AND PREBLE COUNTIES, OHIO. (PRIOR TO 1964, DEFINITION EXCLUDES PREBLE COUNTY, OHIO.)
2020	DAYTONA BEACH, FLA.	COEXTENSIVE WITH VOLUSIA COUNTY, FLA. (NEW AREA, NOVEMBER 1971.)
2040	DECATUR, ILL.	COEXTENSIVE WITH MACON COUNTY, ILL.
2080	DENVER-BOULDER, COLO.	CONSISTS OF ADAMS, ARAPAHOE, BOULDER, DENVER, DOUGLAS, GILPIN, AND JEFFERSON COUNTIES, COLO. (PRIOR TO 1973, AREA TITLE EXCLUDES BOULDER, AND DEFINITION EXCLUDES GILPIN AND DOUGLAS COUNTIES, COLO.)
2120	DES MOINES, IOWA	CONSISTS OF POLK AND WARREN COUNTIES, IOWA. (PRIOR TO 1973, DEFINITION EXCLUDES WARREN COUNTY, IOWA.)
2160	DETROIT, MICH.	CONSISTS OF LAPEER, LIVINGSTON, MACOMB, OAKLAND, ST. CLAIR AND WAYNE COUNTIES, MICH. (PRIOR TO 1973, DEFINITION EXCLUDES LAPEER, LIVINGSTON, AND ST. CLAIR COUNTIES, MICH.)
2200	DUBUQUE, IOWA	COEXTENSIVE WITH DUBUQUE COUNTY, IOWA.
2240	DULUTH-SUPERIOR, MINN.-WIS.	CONSISTS OF ST. LOUIS COUNTY, MINN., AND DOUGLAS COUNTY, WIS.
2290	EAU CLAIRE, WISC.	CONSISTS OF CHIPPEWA AND EAU CLAIRE COUNTIES, WISC. (NEW AREA, AUGUST 1975)
2330	ELKHART, IND.	COEXTENSIVE WITH ELKHART COUNTY, IND. (NEW AREA, APRIL 1979.)
2335	ELMIRA, N.Y.	COEXTENSIVE WITH CHEMUNG COUNTY, N.Y. (NEW AREA, NOVEMBER 1971.)
2320	EL PASO, TEX.	COEXTENSIVE WITH EL PASO COUNTY, TEX.
2340	ENID, OK.	COEXTENSIVE WITH GARFIELD COUNTY, OK. (NEW AREA, OCTOBER 1979.)
2360	ERIE, PA.	COEXTENSIVE WITH ERIE COUNTY, PA.
2400	EUGENE-SPRINGFIELD, OREG.	COEXTENSIVE WITH LANE COUNTY, OREG. (PRIOR TO 1971, AREA TITLE EXCLUDES SPRINGFIELD, OREG.)
2440	EVANSVILLE, IND.-KY.	CONSISTS OF GIBSON, POSEY, VANDERBURGH, AND WARRICK COUNTIES, IND., AND HENDERSON COUNTY, KY. (PRIOR TO 1973, DEFINITION EXCLUDES GIBSON AND POSEY COUNTIES, AND PRIOR TO 1964, DEFINITION EXCLUDES WARRICK COUNTY, IND)
2480	FALL RIVER, MASS.-R.I.	CONSISTS OF FALL RIVER CITY, DIGHTON, SOMERSET, SWANSEA AND WESTPORT TOWNS IN BRISTOL COUNTY, MASS; LITTLE COMPTON, PORTSMOUTH, AND TIVERTON TOWNS IN NEWPORT COUNTY, R.I. (PRIOR TO 1973 DEFINITION EXCLUDES DIGHTON TOWN IN BRISTOL COUNTY, MASS., AND LITTLE COMPTON AND PORTSMOUTH TOWNS IN NEWPORT COUNTY, R.I.)
2520	FARGO-MOORHEAD, N.DAK.-MINN.	CONSISTS OF CASS COUNTY, N.DAK., AND CLAY COUNTY, MINN. (NEW AREA, AUGUST 1960.)
2560	FAYETTEVILLE, N.C.	COEXTENSIVE WITH CUMBERLAND COUNTY, N.C. (NEW AREA, FEBRUARY 1965.)
2580	FAYETTEVILLE-SPRINGDALE, ARK.	CONSISTS OF BENTON AND WASHINGTON COUNTIES, ARK. (NEW AREA, APRIL 1973.)
2600	FITCHBURG-LEOMINSTER, MASS.	CONSISTS OF SHIRLEY AND TOWNSEND TOWNS IN MIDDLESEX COUNTY; FITCHBURG AND LEOMINSTER CITIES, AND LUNENBURG AND WESTMINSTER TOWNS IN WORCESTER COUNTY, MASS. (PRIOR TO 1964, DEFINITION EXCLUDES TOWNSEND TOWN IN MIDDLESEX COUNTY, AND WESTMINSTER TOWN IN WORCESTER COUNTY, MASS.)

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CODE	SMSA TITLE	SMSA DEFINITION
2640	FLINT, MICH.	CONSISTS OF GENESEE AND SHIAWASSEE COUNTIES, MICH. (PRIOR TO 1973, DEFINITION INCLUDES LAPEER AND EXCLUDES SHIAWASEE COUNTY, MICH. PRIOR TO 1964, DEFINITION EXCLUDES LAPEER COUNTY, MICH.)
2650	FLORENCE, ALA.	CONSISTS OF COLBERT AND LAUDERDALE COUNTIES, ALA. (NEW AREA, NOVEMBER 1971.)
2655	FLORENCE, S.C.	COEXTENSIVE WITH FLORENCE COUNTY, S.C. (NEW AREA AS OF JUNE 19, 1981.)
2670	FORT COLLINS, COLO.	COEXTENSIVE WITH LARIMER COUNTY, COLO. (NEW AREA, AUGUST 1975)
2680	FORT LAUDERDALE-HOLLYWOOD, FLA.	COEXTENSIVE WITH BROWARD COUNTY, FLA. (NEW AREA, AUGUST 1960.)
2700	FORT MYERS-CAPE CORAL, FLA.	COEXTENSIVE WITH LEE COUNTY, FLA. (NEW AREA, NOVEMBER 1971.)
2720	FORT SMITH, ARK.-OKLA.	CONSISTS OF CRAWFORD AND SEBASTIAN COUNTIES, ARK., AND LE FLORE AND SEQUOYAH COUNTIES, OKLA. (PRIOR TO 1964, DEFINITION EXCLUDES CRAWFORD COUNTY, ARK. AND LE FLORE AND SEQUOYAH COUNTIES, OKLA.)
2750	FORT WALTON BEACH, FLA.	COEXTENSIVE WITH OKALOOSA COUNTY, FLA. (NEW AREA AS OF JUNE 19, 1981.)
2760	FORT WAYNE, IND.	CONSISTS OF ADAMS, ALLEN, DE KALB, AND WELLS COUNTIES, IND. (PRIOR TO 1973, DEFINITION EXCLUDES ADAMS, DE KALB, AND WELLS COUNTIES, IND.)
2840	FRESNO, CALIF.	COEXTENSIVE WITH FRESNO COUNTY, CALIF.
2880	GADSDEN, ALA.	COEXTENSIVE WITH ETOWAH COUNTY, ALA.
2900	GAINEVILLE, FLA.	COEXTENSIVE WITH ALACHUA COUNTY, FLA. (NEW AREA, FEBRUARY 1971.)
2920	GALVESTON-TEXAS CITY, TEX.	COEXTENSIVE WITH GALVESTON COUNTY, TEX. (PRIOR TO 1961, AREA TITLE EXCLUDES TEXAS CITY, TEX.)
2960	GARY-HAMMOND-EAST CHICAGO, IND.	CONSISTS OF LAKE AND PORTER COUNTIES, IND.
2975	GLENS FALLS, N.Y.	CONSISTS OF WARREN AND WASHINGTON COUNTIES, N.Y. (NEW AREA AS OF JUNE 19, 1981.)
2985	GRAND FORKS, N.D.-MINN.	CONSISTS OF GRAND FORKS COUNTY, N.D. AND POLK COUNTY, MINN (NEW AREA, JUNE 1977)
3000	GRAND RAPIDS, MICH.	CONSISTS OF KENT AND OTTAWA COUNTIES, MICH. (PRIOR TO 1964, DEFINITION EXCLUDES OTTAWA COUNTY, MICH.)
3040	GREAT FALLS, MONT.	COEXTENSIVE WITH CASCADE COUNTY, MONT. (NEW AREA, AUGUST 1960.)
3060	GREELEY, COLO.	COEXTENSIVE WITH WELD COUNTY, COLO. (NEW AREA, AUGUST 1975.)
3080	GREEN BAY, WIS.	COEXTENSIVE WITH BROWN COUNTY, WIS.
3120	GREENSBORO-WINSTON-SALEM-HIGH POINT, N.C.	CONSISTS OF DAVIDSON, FORSYTH, GUILFORD, RANDOLPH, STOKES AND YADKIN COUNTIES, N.C. (PRIOR TO 1973, AREA DEFINITION EXCLUDES DAVIDSON AND STOKES COUNTIES, N.C. PRIOR TO 1967, AREA TITLE EXCLUDES WINSTON-SALEM AND DEFINITION EXCLUDES FORSYTH, RANDOLPH, AND YADKIN COUNTIES, N.C.)
3160	GREENVILLE-SPARTANBURG, S.C.	CONSISTS OF GREENVILLE, PICKENS, AND SPARTANBURG COUNTIES, S.C. (PRIOR TO 1973, AREA TITLE EXCLUDES SPARTANBURG, AND DEFINITION EXCLUDES SPARTANBURG COUNTY. PRIOR TO 1964, DEFINITION EXCLUDES PICKENS COUNTY, S.C.)
3180	HAGERSTOWN, MD.	COEXTENSIVE WITH WASHINGTON COUNTY, MD. (NEW AREA, JUNE 19, 1981.)
3200	HAMILTON-MIDDLETOWN, OHIO	COEXTENSIVE WITH BUTLER COUNTY, OHIO.
3240	HARRISBURG, PA.	CONSISTS OF CUMBERLAND, DAUPHIN, AND PERRY COUNTIES, PA. (PRIOR TO 1964, DEFINITION EXCLUDES PERRY COUNTY, PA.)
3280	HARTFORD, CONN.	CONSISTS OF HARTFORD CITY, AND AVON, BLOOMFIELD, CANTON, EAST GRANBY, EAST HARTFORD, EAST WINDSOR, ENFIELD, FARMINGTON, GLASTONBURY, GRANBY, MANCHESTER, MARLBOROUGH, NEWINGTON, ROCKY HILL, SIMSBURY, SOUTH WINDSOR, SUFFIELD, WEST HARTFORD, WETHERSFIELD, WINDSOR AND WINDSOR LOCKS TOWNS IN HARTFORD COUNTY; NEW HARTFORD TOWN IN LITCHFIELD COUNTY; CROMWELL, EAST HAMPTON, AND PORTLAND TOWNS IN MIDDLESEX COUNTY; COLCHESTER TOWN IN NEW LONDON COUNTY; ANDOVER, BOLTON, COLUMBIA, COVENTRY, ELLINGTON, HEBRON, STAFFORD, TOLLAND, VERNON, AND WILLINGTON TOWNS IN TOLLAND COUNTY, CONN. (PRIOR TO 1973, DEFINITION EXCLUDES MARLBOROUGH TOWN IN HARTFORD COUNTY; NEW HARTFORD TOWN IN LITCHFIELD COUNTY; EAST HAMPTON AND PORTLAND TOWNS IN MIDDLESEX COUNTY; COLCHESTER TOWN IN NEW LONDON COUNTY; COLUMBIA, HEBRON, STAFFORD, TOLLAND, AND WILLINGTON TOWNS IN TOLLAND COUNTY. PRIOR TO 1964, DEFINITION EXCLUDES GRANBY AND EAST GRANBY TOWNS IN HARTFORD COUNTY; AND

CODE	SMSA TITLE	SMSA DEFINITION
		ANDOVER, BOLTON, ELLINGTON, AND COVENTRY TOWNS IN TOLLAND COUNTY, CONN.)
3290	HICKORY, N.C.	CONSISTS OF ALEXANDER AND CATAWBA COUNTIES, N.C. (NEW AREA AS OF JUNE 19, 1981)
3320	HONOLULU, HAWAII	COEXTENSIVE WITH HONOLULU COUNTY, HAWAII.
3360	HOUSTON, TEX.	CONSISTS OF BRAZORIA, FORT BEND, HARRIS, LIBERTY, MONTGOMERY AND WALLER COUNTIES TEX. (PRIOR TO 1973, DEFINITION EXCLUDES WALLER COUNTY. PRIOR TO 1965, DEFINITION EXCLUDES BRAZORIA, FORT BEND, LIBERTY, AND MONTGOMERY COUNTIES, TEX.)
3400	HUNTINGTON-ASHLAND, W.VA.-KY.-OH.	CONSISTS OF CABELL AND WAYNE COUNTIES, W.VA.; BOYD AND GREENUP COUNTIES, KY. AND LAWRENCE COUNTY, OH. (PRIOR TO 1973 DEFINITION EXCLUDES GREENUP COUNTY, KY.)
3440	HUNTSVILLE, ALA.	CONSISTS OF LIMESTONE, MADISON, AND MARSHALL COUNTIES, ALA. (PRIOR TO 1973, DEFINITION EXCLUDES MARSHALL COUNTY, AND PRIOR TO 1964, EXCLUDES LIMESTONE COUNTY, ALA. NEW AREA, AUGUST 1960.)
3480	INDIANAPOLIS, IND.	CONSISTS OF BOONE, HAMILTON, HANCOCK, HENDRICKS, JOHNSON, MARION, MORGAN, AND SHELBY COUNTIES, IND. (PRIOR TO 1967, DEFINITION EXCLUDES BOONE COUNTY, AND PRIOR TO 1964, DEFINITION EXCLUDES HAMILTON, HANCOCK, HENDRICKS, JOHNSON, MORGAN, AND SHELBY COUNTIES, IND.)
3500	IOWA CITY, IOWA	COEXTENSIVE WITH JOHNSON COUNTY, IOWA. (NEW AREA, OCTOBER 1979.)
3520	JACKSON, MICH.	COEXTENSIVE WITH JACKSON COUNTY, MICH.
3560	JACKSON, MISS.	CONSISTS OF HINDS AND RANKIN COUNTIES, MISS. (PRIOR TO 1964, DEFINITION EXCLUDES RANKIN COUNTY, MISS.)
3600	JACKSONVILLE, FLA.	CONSISTS OF BAKER, CLAY, DUVAL, NASSAU, AND ST. JOHNS COUNTIES, FLA. (PRIOR TO 1973, DEFINITION EXCLUDES BAKER, CLAY, NASSAU, AND ST. JOHNS COUNTIES, FLA)
3605	JACKSONVILLE, N.C.	COEXTENSIVE WITH ONSLOW COUNTY, N.C. (NEW AREA AS OF JUNE 19, 1981.)
3620	JANESVILLE-BELOIT, WISC.	COEXTENSIVE WITH ROCK COUNTY, WISC. (NEW AREA, NOVEMBER 1978.)
3640	JERSEY CITY, N.J.	COEXTENSIVE WITH HUDSON COUNTY, N.J.
3660	JOHNSON CITY-KINGSPORT-BRISTOL, TN.-VA.	CONSISTS OF CARTER, HAWKINS, SULLIVAN, UNICOI, AND WASHINGTON COUNTIES, TENN.; BRISTOL CITY, SCOTT AND WASHINGTON COUNTIES, VA. (PRIOR TO 1975, DEFINITION EXCLUDED CARTER, UNICOI, AND WASHINGTON COUNTIES, TENN., AND AREA TITLE EXCLUDED JOHNSON CITY. NEW AREA, APRIL 1973.)
3680	JOHNSTOWN, PA.	CONSISTS OF CAMBRIA AND SOMERSET COUNTIES, PA.
3710	JOPLIN, MO.	CONSISTS OF JASPER AND NEWTON COUNTIES, MO. (NEW AREA AS OF JUNE 19, 1981.)
3720	KALAMAZOO-PORTAGE, MICH.	CONSISTS OF KALAMAZOO AND VAN BUREN COUNTIES, MICH. (PRIOR TO 1973 AREA TITLE EXCLUDES PORTAGE CITY, AND DEFINITION EXCLUDES VAN BUREN COUNTY, MICH.)
3740	KANKAKEE, ILL.	COEXTENSIVE WITH KANKAKEE COUNTY, ILL. (NEW AREA, APRIL 1975.)
3760	KANSAS CITY, MO.-KANS.	CONSISTS OF CASS, CLAY, JACKSON, PLATTE AND RAY COUNTIES, MO.; JOHNSON AND WYANDOTTE COUNTIES, KANS. (PRIOR TO 1973, DEFINITION EXCLUDES RAY COUNTY, MO., AND PRIOR TO 1964, DEFINITION EXCLUDES CASS AND PLATTE COUNTIES MO.)
3800	KENOSHA, WIS.	COEXTENSIVE WITH KENOSHA COUNTY, WIS.
3810	KILLEEN-TEMPLE, TEX.	CONSISTS OF BELL AND CORYELL COUNTIES, TEX. (NEW AREA, NOVEMBER 1971.)
3840	KNOXVILLE, TENN.	CONSISTS OF ANDERSON, BLOUNT, KNOX AND UNION COUNTIES, TENN. (PRIOR TO 1973, DEFINITION EXCLUDES UNION COUNTY, TENN.)
3850	KOKOMO, IND.	CONSISTS OF HOWARD AND TIPTON COUNTIES, IND. (NEW AREA, JUNE 1977.)
3870	LA CROSSE, WIS.	COEXTENSIVE WITH LA CROSSE COUNTY, WIS. (NEW AREA, FEBRUARY 1971.)
3880	LAFAYETTE, LA.	COEXTENSIVE WITH LAFAYETTE PARISH, LA. (NEW AREA, OCTOBER 1963.)
3920	LAFAYETTE-WEST LAFAYETTE, IND.	COEXTENSIVE WITH TIPPECANOE COUNTY, IND. (NEW AREA, MARCH 1966.)
3960	LAKE CHARLES, LA.	COEXTENSIVE WITH CALCASIEU PARISH, LA. (NEW AREA, AUGUST 1960.)
3980	LAKELAND-WINTER HAVEN, FLA.	COEXTENSIVE WITH POLK COUNTY, FLA. (NEW AREA, NOVEMBER 1971.)
4000	LANCASTER, PA.	COEXTENSIVE WITH LANCASTER COUNTY, PA.
4040	LANSING-EAST LANSING, MICH.	CONSISTS OF CLINTON, EATON, INGHAM AND IONIA COUNTIES, MICH. (PRIOR TO 1973, DEFINITION EXCLUDES IONIA COUNTY, AND PRIOR TO 1971, AREA TITLE EXCLUDES EAST LANSING, MICH.)
4080	LAREDO, TEX.	COEXTENSIVE WITH WEBB COUNTY, TEX.

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4100	LAS CRUCES, N.MEX.	COEXTENSIVE WITH DONA ANA COUNTY, N.MEX. (NEW AREA, OCTOBER 1979.)
4120	LAS VEGAS, NEV.	COEXTENSIVE WITH CLARK COUNTY, NEV. (NEW AREA, AUGUST 1960.)
4150	LAWRENCE , KANSAS	CONSISTS OF DOUGLASS COUNTY, KANSAS. (NEW AREA, JUNE 1977.)
4160	LAWRENCE-HAVERHILL, MASS.-N.H.	CONSISTS OF HAVERHILL AND LAWRENCE CITIES, AND AMESBURY, ANDOVER, GEORGETOWN, GROVELAND, MERRIMAC, METHUEN, NORTH ANDOVER, SALISBURY, AND WEST NEWBURY TOWNS IN ESSEX COUNTY, MASS.; AND ATKINSON, HAMPSTEAD, KINGSTON, NEWTON, PLAISTOW, SALEM, AND WINDHAM TOWNS IN ROCKINGHAM COUNTY, N.H. (PRIOR TO 1973, DEFINITION EXCLUDES AMESBURY AND SALISBURY TOWNS IN ESSEX COUNTY, MASS., AND ATKINSON, HAMPSTEAD, KINGSTON, AND WINDHAM TOWNS IN ROCKINGHAM COUNTY, N.H. PRIOR TO 1964 DEFINITION EXCLUDES GEORGETOWN, MERRIMAC, AND WEST NEWBURY TOWNS IN ESSEX COUNTY, MASS., AND NEWTON TOWN IN ROCKINGHAM COUNTY, N.H.)
4200	LAWTON, OKLA.	COEXTENSIVE WITH COMANCHE COUNTY, OKLA. (NEW AREA, AUGUST 1960.)
4240	LEWISTON-AUBURN, MAINE	CONSISTS OF AUBURN AND LEWISTON CITIES, AND LISBON TOWN IN ANDROSCOGGIN COUNTY, MAINE.
4280	LEXINGTON-FAYETTE, KY.	CONSISTS OF BOURBON, CLARK, FAYETTE, JESSAMINE, SCOTT AND WOODFORD COUNTIES, KY. (PRIOR TO 1973, DEFINITION EXCLUDES BOURBON, CLARK, JESSAMINE, SCOTT, AND WOODFORD COUNTIES, KY. PRIOR TO 1974, AREA TITLE EXCLUDES FAYETTE, KY.)
4320	LIMA, OH.	CONSISTS OF ALLEN, AUGLAIZE, PUTNAM, AND VAN WERT COUNTIES, OHIO. (PRIOR TO 1973, DEFINITION EXCLUDES AUGLAIZE COUNTY AND PRIOR TO 1967, DEFINITION EXCLUDES PUTNAM AND VAN WERT COUNTIES, OH.)
4360	LINCOLN, NEBR.	COEXTENSIVE WITH LANCASTER COUNTY, NEBR.
4400	LITTLE ROCK-NORTH LITTLE ROCK, ARK.	CONSISTS OF PULASKI AND SALINE COUNTIES, ARK. (PRIOR TO 1967, DEFINITION EXCLUDES SALINE COUNTY, ARK.)
4410	LONG BRANCH-ASBURY PARK, N.J.	COEXTENSIVE WITH MONMOUTH COUNTY, N.J. (NEW AREA, NOVEMBER 1971.)
4420	LONGVIEW-MARSHALL, TEX.	CONSISTS OF GREGG AND HARRISON COUNTIES, TEX. (NEW AREA, AUGUST 1975.)
4440	LORAIN-ELYRIA, OH.	COEXTENSIVE WITH LORAIN COUNTY, OHIO.
4480	LOS ANGELES-LONG BEACH, CALIF.	COEXTENSIVE WITH LOS ANGELES COUNTY, CALIF. (PRIOR TO 1964, DEFINITION INCLUDES ORANGE COUNTY, CALIF.)
4520	LOUISVILLE, KY.-IND.	CONSISTS OF BULLITT, JEFFERSON AND OLDHAM COUNTIES, KY; CLARK AND FLOYD COUNTIES IND. (PRIOR TO 1973, DEFINITION EXCLUDES BULLITT AND OLDHAM COUNTIES, KY.)
4560	LOWELL, MASS.-N.H.	CONSISTS OF LOWELL CITY, AND BILLERICA, CHELMSFORD, DRACUT, TEWKSBURY, TYNGSBOROUGH, AND WESTFORD TOWNS IN MIDDLESEX COUNTY, MASS.; AND PELHAM TOWN IN HILLSBOROUGH COUNTY, N.H. (PRIOR TO 1973, DEFINITION EXCLUDES PELHAM TOWN, N.H., AND PRIOR TO 1964, DEFINITION EXCLUDES WESTFORD TOWN IN MIDDLESEX COUNTY, MASS.)
4600	LUBBOCK, TEX.	COEXTENSIVE WITH LUBBOCK COUNTY, TEX.
4640	LYNCHBURG, VA.	CONSISTS OF LYNCHBURG CITY, AND AMHERST, APPOMATTOX, AND CAMPBELL COUNTIES, VA. (PRIOR TO 1973, DEFINITION EXCLUDES APPOMATTOX COUNTY, VA.)
4680	MACON, GA.	CONSISTS OF BIBB, HOUSTON, JONES, AND TWIGGS COUNTIES, GA. (PRIOR TO 1973, DEFINITION EXCLUDES JONES AND TWIGGS COUNTIES, GA.)
4720	MADISON, WIS.	COEXTENSIVE WITH DANE COUNTY, WIS.
4760	MANCHESTER, N.H.	CONSISTS OF MANCHESTER CITY, AND BEDFORD AND GOFFSTOWN TOWNS IN HILLSBOROUGH COUNTY; ALLENSTOWN, HOOKSETT AND PEMBROKE TOWNS IN MERRIMACK COUNTY; DERRY AND LONDONDERRY TOWNS IN ROCKINGHAM COUNTY. (PRIOR TO 1973, DEFINITION EXCLUDES ALLENSTOWN AND PEMBROKE TOWNS IN MERRIMACK COUNTY; DERRY AND LONDONDERRY TOWNS IN ROCKINGHAM COUNTY. PRIOR TO 1964, DEFINITION EXCLUDES BEDFORD TOWN IN HILLSBOROUGH COUNTY, AND HOOKSETT TOWN IN MERRIMACK COUNTY, N.H.)
4800	MANSFIELD, OH.	COEXTENSIVE WITH RICHLAND COUNTY, OH. (NEW AREA, MARCH 1966.)
4880	MCALLEN-PHARR-EDINBURG, TX.	COEXTENSIVE WITH HIDALGO COUNTY, TX. (NEW AREA, APRIL 1966.)
4890	MEDFORD, OREG.	COEXTENSIVE WITH JACKSON COUNTY, OREG. (NEW AREA AS OF JUNE 19, 1981.)

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4900	MELBOURNE-TITUSVILLE-COCOA, FL.	COEXTENSIVE WITH BREVARD COUNTY, FL. (NEW AREA, JANUARY 1972.)
4920	MEMPHIS, TENN.-ARK.-MISS.	CONSISTS OF SHELBY AND TIPTON COUNTIES, TENN; CRITTENDEN COUNTY, ARK; DE SOTO COUNTY, MISS. (PRIOR TO 1973 DEFINITION EXCLUDES TIPTON COUNTY, TENN. AND DE SOTO COUNTY, MISS. PRIOR TO 1964 DEFINITION EXCLUDES CRITTENDEN COUNTY, AR
4960	MERIDEN, CONN.	COEXTENSIVE WITH MERIDEN CITY IN NEW HAVEN COUNTY, CONN. (NEW AREA, SEPT. 1960.)
5000	MIAMI, FL.	COEXTENSIVE WITH DADE COUNTY, FL.
5040	MIDLAND, TX.	COEXTENSIVE WITH MIDLAND COUNTY, TX. (NEW AREA, AUGUST 1960.)
5080	MILWAUKEE, WIS.	CONSISTS OF MILWAUKEE, OZAUKEE, WASHINGTON, AND WAUKESHA COUNTIES, WIS. (PRIOR TO 1967, DEFINITION EXCLUDES WASHINGTON COUNTY, AND PRIOR TO 1964, DEFINITION EXCLUDES OZAUKEE COUNTY, WIS.)
5120	MINNEAPOLIS-ST.PAUL, MINN.-WIS.	CONSISTS OF ANOKA, CARVER, CHISAGO, DAKOTA, HENNEPIN, RAMSEY, SCOTT, WASHINGTON, AND WRIGHT COUNTIES, MINN.; ST. CROIX COUNTY, WIS. (PRIOR TO 1973, DEFINITION EXCLUDES CARVER, CHISAGO, SCOTT, AND WRIGHT COUNTIES, MINN., AND ST. CROIX COUNTY, WIS.)
5160	MOBILE, ALA.	CONSISTS OF BALDWIN AND MOBILE COUNTIES, ALA. (PRIOR TO 1964, DEFINITION EXCLUDES BALDWIN COUNTY, ALA.)
5170	MODESTO, CALIF.	COEXTENSIVE WITH STANISLAUS COUNTY, CALIF. (NEW AREA, FEBRUARY 1971.)
5200	MONROE, LA.	COEXTENSIVE WITH OUACHITA PARISH, LA. (NEW AREA, AUGUST 1960.)
5240	MONTGOMERY, ALA.	CONSISTS OF AUTAUGA, ELMORE, AND MONTGOMERY COUNTIES, ALA. (PRIOR TO 1973, DEFINITION EXCLUDES AUTAUGA COUNTY, AND PRIOR TO 1964, DEFINITION EXCLUDES ELMORE COUNTY, ALA.)
5280	MUNCIE, IND.	COEXTENSIVE WITH DELAWARE COUNTY, IND.
5320	MUSKEGON-NORTON SHORES-MUSKEGON HEIGHTS, MICH.	CONSISTS OF MUSKEGON AND OCEANA COUNTIES, MICH. (PRIOR TO 1975, AREA TITLE EXCLUDED NORTON SHORES. PRIOR TO 1973, DEFINITION EXCLUDES OCEANA COUNTY, MICH.)
5350	NASHUA, N.H.	CONSISTS OF NASHUA CITY, AND AMHERST, HUDSON, MERRIMACK AND MILFORD TOWNS IN HILLSBOROUGH COUNTY, N.H. (PRIOR TO 1973, DEFINITION EXCLUDES AMHERST, MERRIMACK AND MILFORD TOWNS IN HILLSBOROUGH COUNTY, N.H. NEW AREA, FEB 1971.)
5360	NASHVILLE-DAVIDSON, TENN.	CONSISTS OF CHEATHAM, DAVIDSON, DICKSON, ROBERTSON, RUTHERFORD, SUMNER, WILLIAMSON, AND WILSON COUNTIES, TENN. (PRIOR TO 1973, DEFINITION EXCLUDES CHEATHAM, DICKSON, ROBERTSON, RUTHERFORD, AND WILLIAMSON COUNTIES, TENN., AND AREA TITLE EXCLUDES DAVIDSON. PRIOR TO 1964, DEFINITION EXCLUDES SUMNER AND WILSON COUNTIES, TENN.)
5380	NASSAU-SUFFOLK, N.Y.	CONSISTS OF NASSAU AND SUFFOLK COUNTIES, N.Y. (NEW AREA, NOVEMBER 1972.)
5400	NEW BEDFORD, MASS.	CONSISTS OF NEW BEDFORD CITY, AND ACUSHNET, DARTMOUTH, FAIRHAVEN AND FREETOWN TOWNS IN BRISTOL COUNTY; LAKEVILLE, MARION, AND MATTAPOISETT TOWNS IN PLYMOUTH COUNTY, MASS. (PRIOR TO 1973 DEFINITION EXCLUDES FREETOWN IN BRISTOL COUNTY, AND LAKEVILLE TOWN IN PLYMOUTH COUNTY, MASS.)
5440	NEW BRITAIN, CONN.	CONSISTS OF NEW BRITAIN CITY; BERLIN, PLAINVILLE, AND SOUTHINGTON TOWNS IN HARTFORD COUNTY, CONN.
5460	NEW BRUNSWICK-PERTH AMBOY-SAYREVILLE, N.J.	COEXTENSIVE WITH MIDDLESEX COUNTY, N.J. (NEW AREA, NOVEMBER 1971.)
5480	NEW HAVEN-WEST HAVEN, CONN.	CONSISTS OF CLINTON TOWN IN MIDDLESEX COUNTY; NEW HAVEN AND WEST HAVEN CITIES, AND BETHANY, BRANFORD, EAST HAVEN, GUILFORD, HAMDEN, MADISON, NORTH BRANFORD, NORTH HAVEN, ORANGE, WALLINGFORD, AND WOODBRIDGE TOWNS IN NEW HAVEN COUNTY, CONN. (PRIOR TO 1973, AREA TITLE EXCLUDES WEST HAVEN CITY, AND DEFINITION EXCLUDES CLINTON TOWN IN MIDDLESEX COUNTY, AND MADISON AND WALLINGFORD TOWNS IN NEW HAVEN COUNTY, CONN. PRIOR TO 1964, DEFINITION EXCLUDES BETHANY AND NORTH BRANFORD TOWNS IN NEW HAVEN COUNTY, CONN. FROM 1973 TO 1974, DEFINITION INCLUDED KILLINGSWORTH TOWN IN MIDDLESEX COUNTY, CONN.)
5520	NEW LONDON-NORWICH, CT.-R.I.	CONSISTS OF OLD SAYBROOK TOWN IN MIDDLESEX COUNTY; NEW LONDON AND NORWICH CITIES, AND BOZRAH, EAST LYME, GRISWOLD, GROTON, LEDYARD, LISBON, MONTVILLE, OLD LYME, PRESTON, SPRAGUE, STONINGTON, AND WATER-

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		FORD TOWNS IN NEW LONDON COUNTY, CT; HOPKINTON AND WESTERLY TOWNS IN WASHINGTON COUNTY, R.I. (PRIOR TO 1973 AREA DEFINITION EXCLUDED OLD SAYBROOK TOWN IN MIDDLESEX COUNTY, CT, BOZRAH TOWN IN NEW LONDON COUNTY, CT, AND HOPKINTON, AND WESTERLY TOWNS IN WASHINGTON COUNTY, R.I. PRIOR TO 1971 TITLE INCLUDED GROTON. PRIOR TO 1963 AREA DEFINITION EXCLUDED GRISWOLD, LISBON, OLD LYME, AND SPRAGUE TOWNS IN NEW LONDON COUNTY, CT. NEW AREA, NOVEMBER 1960)
5560	NEW ORLEANS, LA.	CONSISTS OF JEFFERSON, ORLEANS, ST. BERNARD, AND ST. TAMMANY PARISHES, LA. (PRIOR TO 1964, DEFINITION EXCLUDES ST. TAMMANY PARISH, LA.)
5600	NEW YORK, N.Y.-N.J.	CONSISTS OF NEW YORK CITY, AND PUTNAM, ROCKLAND, AND WESTCHESTER COUNTIES, N.Y.; BERGEN COUNTY, N.J. (PRIOR TO 1973 INCLUDES NASSAU AND SUFFOLK COUNTIES, N.Y., AND EXCLUDES PUTNAM COUNTY, N.Y. AND BERGEN COUNTY, N.J.)
5640	NEWARK, N.J.	CONSISTS OF ESSEX, MORRIS, SOMERSET, AND UNION COUNTIES, N.J. (PRIOR TO 1973, DEFINITION EXCLUDES SOMERSET COUNTY, N.J.)
5645	NEWARK, OH.	COEXTENSIVE WITH LICKING COUNTY, OH. (NEW AREA AS OF JUNE 19, 1981.)
5660	NEWBURGH-MIDDLETOWN, N.Y.	COEXTENSIVE WITH ORANGE COUNTY, N.Y. (NEW AREA AS OF JUNE 19, 1981.)
5680	NEWPORT NEWS-HAMPTON, VA.	CONSISTS OF HAMPTON, NEWPORT NEWS, POQUOSON AND WILLIAMSBURG CITIES, AND GLOUCESTER, JAMES CITY, AND YORK COUNTIES, VA. (PRIOR TO 1975 DEFINITION INCLUDES POQUOSON IN YORK COUNTY, VA FROM WHICH IT WAS SEPARATED AND MADE AN INDEPENDENT CITY. PRIOR TO 1973 DEFINITION EXCLUDES WILLIAMSBURG CITY, AND GLOUCESTER AND JAMES CITY COUNTIES, VA.)
5720	NORFOLK-VIRGINIA BEACH-PORTSMOUTH, VA-NC	CONSISTS OF CHESAPEAKE, NORFOLK, PORTSMOUTH, SUFFOLK, AND VIRGINIA BEACH CITIES, VA; CURRITUCK COUNTY, NC (PRIOR TO 1973 DEFINITION EXCLUDES NANSEMOND AND SUFFOLK CITIES, VA WHICH CONSOLIDATED FEBRUARY 1974 TO FORM SUFFOLK CITY, VA, AND CURRITUCK COUNTY, NC. PRIOR TO 1971, AREA TITLE EXCLUDES VIRGINIA BEACH CITY, VA.)
5745	NORTHEAST PENNSYLVANIA	CONSISTS OF LACKAWANNA, LUZERNE, AND MONROE COUNTIES, PA. (FORMED BY THE CONSOLIDATION OF THE SCRANTON AND WILKES-BARRE-HAZLETON SMSA@S, APR 1973.)
5760	NORWALK, CONN.	CONSISTS OF NORWALK CITY, AND WESTON, WESTPORT, AND WILTON TOWNS IN FAIRFIELD COUNTY, CONN. (PRIOR TO 1973 DEFINITION EXCLUDES WESTON TOWN. NEW AREA, SEPT. 1960.)
5790	OCALA, FLA.	COEXTENSIVE WITH MARION COUNTY, FLA. (NEW AREA AS OF JUNE 19, 1981.)
5800	ODESSA, TEX.	COEXTENSIVE WITH ECTOR, COUNTY, TEX. (NEW AREA, AUG. 1960.)
5880	OKLAHOMA CITY, OKLA.	CONSISTS OF CANADIAN, CLEVELAND, MCCLAIN, OKLAHOMA, AND POTTAWATOMIE COUNTIES, OKLA. (PRIOR TO 1973, DEFINITION EXCLUDES MCCLAIN AND POTTAWATOMIE COUNTIES, AND PRIOR TO 1961 EXCLUDES CANADIAN COUNTY, OKLA.)
5910	OLYMPIA, WASH.	COEXTENSIVE WITH THURSTON COUNTY, WASH. (NEW AREA AS OF JUNE 19, 1981.)
5920	OMAHA, NEBR.-IOWA	CONSISTS OF DOUGLAS AND SARPY COUNTIES, NEBR., AND POTTAWATTAMIE COUNTY, IA.
5960	ORLANDO, FLA.	CONSISTS OF ORANGE, OSCEOLA, AND SEMINOLE COUNTIES, FLA. (PRIOR TO 1973, DEFINITION EXCLUDES OSCEOLA COUNTY, FLA.)
5990	OWENSBORO, KY.	COEXTENSIVE WITH DAVIESS COUNTY, KY. (NEW AREA, FEB. 1971.)
6000	OXNARD-SIMI VALLEY-VENTURA, CALIF.	COEXTENSIVE WITH VENTURA COUNTY, CALIF. (OFFICIAL CITY NAME, SAN BUENA-VENTURA. PRIOR TO 1971 AREA TITLE EXCLUDES SIMI VALLEY. NEW AREA FEB 1965.)
6015	PANAMA CITY, FLA.	CONSISTS OF BAY COUNTY, FLA. (NEW AREA, JUNE 1977.)
6020	PARKERSBURG-MARIETTA, W.VA.-OH.	CONSISTS OF WIRT AND WOOD COUNTIES, W.VA., AND WASHINGTON COUNTY, OH. (PRIOR TO 1973, DEFINITION EXCLUDES WIRT COUNTY, W.VA. NEW AREA, NOV. 1971.
6025	PASCAGOULA-MOSS POINT, MISS.	COEXTENSIVE WITH JACKSON COUNTY, MISS. (NEW AREA, AUG. 1975.)
6040	PATERSON-CLIFTON-PASSAIC, N.J.	COEXTENSIVE WITH PASSAIC COUNTY, N.J. (PRIOR TO 1973, DEFINITION INCLUDES BERGEN COUNTY, N.J.)
6080	PENSACOLA, FLA.	CONSISTS OF ESCAMBIA AND SANTA ROSA COUNTIES, FLA.
6120	PEORIA, ILL.	CONSISTS OF PEORIA, TAZEWELL, AND WOODFORD COUNTIES, ILL. (PRIOR TO 1964,

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		DEFINITION EXCLUDES WOODFORD COUNTY, ILL.)
6140	PETERSBURG-COLONIAL HEIGHTS-HOPEWELL, VA.	CONSISTS OF COLONIAL HEIGHTS, HOPEWELL, AND PETERSBURG CITIES, AND DINWIDDIE AND PRINCE GEORGE COUNTIES, VA. (NEW AREA, NOV. 1971.)
6160	PHILADELPHIA, PA.-N.J.	CONSISTS OF BUCKS, CHESTER, DELAWARE, MONTGOMERY, AND PHILADELPHIA COUNTIES, PA., AND BURLINGTON, CAMDEN, AND GLOUCESTER COUNTIES, N.J.
6200	PHOENIX, ARIZ.	COEXTENSIVE WITH MARICOPA COUNTY, ARIZ.
6240	PINE BLUFF, ARK.	COEXTENSIVE WITH JEFFERSON COUNTY, ARK. (NEW AREA, AUG. 1964.)
6280	PITTSBURGH, PA.	CONSISTS OF ALLEGHENY, BEAVER, WASHINGTON, AND WESTMORELAND COUNTIES, PA.
6320	PITTSFIELD, MASS.	CONSISTS OF PITTSFIELD CITY, AND ADAMS, CHESHIRE, DALTON, LANESBOROUGH, LEE, LENOX, AND STOCKBRIDGE TOWNS IN BERKSHORE COUNTY, MASS. (PRIOR TO 1973, DEFINITION EXCLUDES ADAMS ,CHESHIRE, AND STOCKBRIDGE TOWNS, AND PRIOR TO 1964, DEFINITION EXCLUDES LANESBOROUGH TOWN IN BERKSHIRE COUNTY, MASS.)
6400	PORTLAND, MAINE	CONSISTS OF PORTLAND, SOUTH PORTLAND, AND WESTBROOK CITIES, AND CAPE ELIZABETH, CUMBERLAND, FALMOUTH, FREEPORT, GORHAM, SCARBOROUGH, WINDHAM, AND YARMOUTH TOWNS IN CUMBERLAND COUNTY; SACO CITY AND OLD ORCHARD BEACH TOWN IN YORK COUNTY, MAINE. (PRIOR TO 1973, DEFINITION EXCLUDES FREEPORT AND WINDHAM TOWNS IN CUMBERLAND COUNTY, SACO CITY AND OLD ORCHARD BEACH TOWN IN YORK COUNTY, MAINE.)
6440	PORTLAND, OREG.-WASH.	CONSISTS OF CLACKAMAS, MULTNOMAH, AND WASHINGTON COUNTIES, OREG., AND CLARK COUNTY, WASH.
6450	PORTSMOUTH-DOVER-ROCHESTER, N.H.-MAINE	CONSISTS OF PORTSMOUTH CITY, AND GREENLAND, HAMPTON, NEW CASTLE, NEWFIELDS, NEWINGTON, NEWMARKET, NORTH HAMPTON, AND RYE TOWNS IN ROCKINGHAM COUNTY, N.H.; DOVER, ROCHESTER, AND SOMERSWORTH CITIES, BARRINGTON, DURHAM, FARMINGTON, LEE, MADBURY, AND ROLLINGSFORD TOWNS IN STRAFFORD COUNTY, N.H.; AND BERWICK, ELIOT, KITTERY, SOUTH BERWICK, AND YORK TOWNS IN YORK COUNTY, MAINE. (NEW AREA AS OF JUNE 19, 1981.)
6460	POUGHKEEPSIE, N.Y.	COEXTENSIVE WITH DUTCHESS COUNTY, N.Y. (NEW AREA, NOVEMBER 1971.)
6480	PROVIDENCE-WARWICK-PAWTUCKET, R.I.-MASS.	CONSISTS OF BARRINGTON, BRISTOL, AND WARREN TOWNS IN BRISTOL COUNTY, WARWICK CITY AND COVENTRY, EAST GREENWICH, AND WEST WARWICK TOWNS IN KENT COUNTY; JAMESTOWN TOWN IN NEWPORT COUNTY; CENTRAL FALLS, CRANSTON, EAST PROVIDENCE, PAWTUCKET, PROVIDENCE, AND WOONSOCKET CITIES, AND BURRILLVILLE, CUMBERLAND, JOHNSTON, LINCOLN, NORTH PROVIDENCE, NORTH SMITHFIELD, SCITUATE, AND SMITHFIELD TOWNS IN PROVIDENCE COUNTY; NARRAGANSETT, NORTH KINGSTOWN, AND SOUTH KINGSTOWN TOWNS IN WASHINGTON COUNTY, R.I.; ATTLEBORO CITY, AND NORTH ATTLEBOROUGH, NORTON, REHOBOTH AND SEEKONK TOWNS IN BRISTOL COUNTY; PLAINVILLE TOWN IN NORFOLK COUNTY; BLACKSTONE AND MILLVILLE TOWNS IN WORCESTER COUNTY, MASS. (PRIOR TO 1973, DEFINITION INCLUDES BELLINGHAM, FRANKLIN, AND WRENTHAM TOWNS IN NORFOLK COUNTY, MASS.; AND EXCLUDES SCITUATE TOWN IN PROVIDENCE AND SOUTH KINGSTOWN TOWN IN WASHINGTON COUNTY, R.I., AND ALSO EXCLUDES NORTON TOWN IN BRISTOL COUNTY, MASS. PRIOR TO 1964, DEFINITION EXCLUDES REHOBOTH TOWN IN BRISTOL COUNTY, MASS)
6520	PROVO-OREM, UTAH	COEXTENSIVE WITH UTAH COUNTY, UTAH. (NEW AREA, AUGUST 1960.)
6560	PUEBLO, COLO.	COEXTENSIVE WITH PUEBLO COUNTY, COLO.
6600	RACINE, WIS.	COEXTENSIVE WITH RACINE COUNTY, WIS.
6640	RALEIGH-DURHAM, N.C.	CONSISTS OF DURHAM, ORANGE, AND WAKE COUNTIES, N.C. (PRIOR TO 1973, AREA TITLE EXCLUDES DURHAM, AND DEFINITION EXCLUDES DURHAM AND ORANGE COUNTIES, N.C.)
6680	READING, PA.	COEXTENSIVE WITH BERKS COUNTY, PA.
6690	REDDING, CALIF.	COEXTENSIVE WITH SHASTA COUNTY, CALIF. (NEW AREA AS OF JUNE 19, 1981.)
6720	RENO, NEV.	COEXTENSIVE WITH WASHOE COUNTY, NEV. (NEW AREA, AUGUST 1960.)
6740	RICHLAND-KENNEWICK-PASCO, WASH.	CONSISTS OF BENTON AND FRANKLIN COUNTIES, WASH. (NEW AREA, NOV. 1971.)

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6760	RICHMOND, VA.	CONSISTS OF RICHMOND CITY, AND CHARLES CITY, CHESTERFIELD, GOOCHLAND, HANOVOER, HENRICO, NEW KENT AND POWHATAN COUNTIES, VA. (PRIOR TO 1975, AREA DEFINITION EXCLUDES NEW KENT COUNTY. PRIOR TO 1973, DEFINITION EXCLUDES CHARLES CITY, GOOCHLAND, AND POWHATAN COUNTIES. PRIOR TO 1964, DEFINITION EXCLUDES HANOVER COUNTY, VA.)
6780	RIVERSIDE-SAN BERNARDINO-ONTARIO, CALIF.	CONSISTS OF RIVERSIDE AND SAN BERNARDINO COUNTIES, CALIF. (AREA RETITLED, NOVEMBER 1971.)
6800	ROANOKE, VA.	CONSISTS OF ROANOKE AND SALEM CITIES, AND BOTETOURT, CRAIG, AND ROANOKE COUNTIES, VA. (PRIOR TO 1973, DEFINITION EXCLUDES BOTETOURT AND CRAIG COUNTIES, VA.)
6820	ROCHESTER, MINN.	COEXTENSIVE WITH OLMSTED COUNTY, MINN. (NEW AREA, FEBRUARY 1971.)
6860	ROCHESTER, N.Y.	CONSISTS OF LIVINGSTON, MONROE, ONTARIO, ORLEANS, AND WAYNE COUNTIES, N.Y. (PRIOR TO 1973, DEFINITION EXCLUDES ONTARIO COUNTY. PRIOR TO 1964, DEFINITION EXCLUDES LIVINGSTON, ORLEANS, AND WAYNE COUNTIES, N.Y.)
6880	ROCKFORD, ILL.	CONSISTS OF BOONE AND WINNEBAGO COUNTIES, ILL. (PRIOR TO 1964, DEFINITION EXCLUDES BOONE COUNTY, ILL.)
6885	ROCK HILL, S.C.	COEXTENSIVE WITH YORK COUNTY, S.C. (NEW AREA AS OF JUNE 19, 1981.)
6920	SACRAMENTO, CALIF.	CONSISTS OF PLACER, SACRAMENTO, AND YOLO COUNTIES, CALIF. (PRIOR TO 1964, DEFINITION EXCLUDES PLACER AND YOLO COUNTIES, CALIF.)
6960	SAGINAW, MICH.	COEXTENSIVE WITH SAGINAW COUNTY, MICH.
6980	ST.CLOUD, MINN.	CONSISTS OF BENTON, SHERBURNE, AND STEARNS COUNTIES, MINN. (NEW AREA, APR 1973)
7000	ST.JOSEPH, MO.	CONSISTS OF ANDREW AND BUCHANAN COUNTIES, MO. (PRIOR TO 1973, DEFINITION EXCLUDES ANDREW COUNTY, MO.)
7040	ST.LOUIS, MO.-ILL.	CONSISTS OF ST.LOUIS CITY, AND FRANKLIN, JEFFERSON, ST.CHARLES, AND ST.LOUIS COUNTIES, MO.; CLINTON, MADISON, MONROE, AND ST.CLAIR COUNTIES, ILL. (PRIOR TO 1973, DEFINITION EXCLUDES CLINTON AND MONROE COUNTIES, ILL. PRIOR TO 1964, DEFINITION EXCLUDES FRANKLIN COUNTY, MO.)
7080	SALEM, OREG.	CONSISTS OF MARION AND POLK COUNTIES, OREG. (NEW AREA, OCT. 1964.)
7120	SALINAS-SEASIDE-MONTEREY, CALIF.	COEXTENSIVE WITH MONTEREY COUNTY, CALIF. (NEW AREA, APRIL 1966. PRIOR TO 1971, AREA TITLE EXCLUDES SEASIDE CITY, CALIF.)
7140	SALISBURY-CONCORD, N.C.	CONSISTS OF CABARRUS AND ROWAN COUNTIES, N.C. (NEW AREA, JUNE 19, 1981.)
7160	SALT LAKE CITY-OGDEN, UTAH	CONSISTS OF DAVIS, SALT LAKE, TOOELE, AND WEBER COUNTIES, UTAH. (PRIOR TO 1973, AREA TITLE EXCLUDES OGDEN, AND DEFINITION EXCLUDES TOOELE AND WEBER COUNTIES. PRIOR TO 1964, DEFINITION EXCLUDES DAVIS COUNTY, UTAH.)
7200	SAN ANGELO, TEX.	COEXTENSIVE WITH TOM GREEN COUNTY, TEX.
7240	SAN ANTONIO, TEX.	CONSISTS OF BEXAR, COMAL, AND GUADALUPE COUNTIES, TEX. (PRIOR TO 1973, DEFINITION EXCLUDES COMAL COUNTY. PRIOR TO 1964, DEFINITION EXCLUDES GUADALUPE COUNTY, TEX.)
7320	SAN DIEGO, CALIF.	COEXTENSIVE WITH SAN DIEGO COUNTY, CALIF.
7360	SAN FRANCISCO-OAKLAND, CALIF.	CONSISTS OF ALAMEDA, CONTRA COSTA, MARIN, SAN FRANCISCO, AND SAN MATEO COUNTIES, CALIF. (PRIOR TO 1964 DEFINITION INCLUDES SOLANO COUNTY, CALIF.)
7400	SAN JOSE, CALIF.	COEXTENSIVE WITH SANTA CLARA COUNTY, CALIF.
7480	SANTA BARBARA-SANTA MARIA-LOMPOC, CALIF.	COEXTENSIVE WITH SANTA BARBARA COUNTY, CALIF. (PRIOR TO 1971, AREA TITLE EXCLUDES SANTA MARIA AND LOMPOC CITIES.)
7485	SANTA CRUZ, CALIF.	COEXTENSIVE WITH SANTA CRUZ COUNTY, CALIF. (NEW AREA, NOVEMBER 1971.)
7500	SANTA ROSA, CALIF.	COEXTENSIVE WITH SONOMA COUNTY, CALIF. (NEW AREA, FEBRUARY 1971.)
7510	SARASOTA, FLA.	COEXTENSIVE WITH SARASOTA COUNTY, FLA. (NEW AREA, NOVEMBER 1971.)
7520	SAVANNAH, GA.	CONSISTS OF BRYAN, CHATHAM, AND EFFINGHAM COUNTIES, GA. (PRIOR TO 1973, DEFINITION EXCLUDES BRYAN AND EFFINGHAM COUNTIES, GA.)
7600	SEATTLE-EVERETT, WASH.	CONSISTS OF KING AND SNOHOMISH COUNTIES, WASH. (PRIOR TO 1964, AREA TITLE EXCLUDES EVERETT, WASH.)

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7610	SHARON, PA.	COEXTENSIVE WITH MERCER COUNTY, PA. (NEW AREA AS OF JUNE 19, 1981.)
7620	SHEBOYGAN, WIS.	COEXTENSIVE WITH SHEBOYGAN COUNTY, WIS. (NEW AREA AS OF JUNE 19, 1981.)
7640	SHERMAN-DENISON, TEX.	COEXTENSIVE WITH GRAYSON COUNTY, TEX. (NEW AREA, APRIL 1967.)
7680	SHREVEPORT, LA.	CONSISTS OF BOSSIER, CADDO, AND WEBSTER PARISHES, LA. (PRIOR TO 1973, DEFINITION EXCLUDES WEBSTER PARISH, LA.)
7720	SIOUX CITY, IOWA-NEBR.	CONSISTS OF WOODBURY COUNTY, IOWA; AND DAKOTA COUNTY, NEBR.
7760	SIOUX FALLS, S.DAK.	COEXTENSIVE WITH MINNEHAHA COUNTY, S.DAK.
7800	SOUTH BEND, IND.	CONSISTS OF MARSHALL AND ST.JOSEPH COUNTIES, IND. (PRIOR TO 1964, DEFINITION EXCLUDES MARSHALL COUNTY, IND.)
7840	SPOKANE, WASH.	COEXTENSIVE WITH SPOKANE COUNTY, WASH.
7880	SPRINGFIELD, ILL.	CONSISTS OF MENARD AND SANGAMON COUNTIES, ILL. (PRIOR TO 1973, DEFINITION EXCLUDES MENARD COUNTY, ILL.)
7920	SPRINGFIELD, MO.	CONSISTS OF CHRISTIAN AND GREENE COUNTIES, MO. (PRIOR TO 1973, DEFINITION EXCLUDES CHRISTIAN COUNTY, MO.)
7960	SPRINGFIELD, OH.	CONSISTS OF CHAMPAIGN AND CLARK COUNTIES, OH. (PRIOR TO 1973, DEFINITION EXCLUDES CHAMPAIGN COUNTY, OH.)
8000	SPRINGFIELD-CHICOPEE-HOLYOKE, MASS.-CONN.	CONSISTS OF CHICOPEE, HOLYOKE, SPRINGFIELD, AND WESTFIELD CITIES, AND AGAWAM, EAST LONGMEADOW, HAMPDEN, LONGMEADOW, LUDLOW, MONSON, PALMER, SOUTHWICK, WEST SPRINGFIELD, AND WILBRAHAM TOWNS IN HAMPDEN COUNTY; NORTHAMPTON CITY, AND BELCHERTOWN, EASTHAMPTON, GRANBY, HADLEY, HATFIELD, SOUTH HADLEY AND SOUTHAMPTON TOWNS IN HAMPSHIRE COUNTY; AND WARREN TOWN IN WORCESTER COUNTY, MASS.; AND SOMERS TOWN IN TOLLAND COUNTY, CONN. (PRIOR TO 1973, DEFINITION EXCLUDES BELCHERTOWN, HATFIELD, AND SOUTHAMPTON TOWNS IN HAMPSHIRE COUNTY, MASS. PRIOR TO 1964, DEFINITION EXCLUDES HAMPDEN AND SOUTHWICK TOWNS IN HAMPDEN COUNTY, MASS.; GRANBY TOWN IN HAMPSHIRE COUNTY, MASS.; AND SOMERS TOWN IN TOLLAND COUNTY, CONN.)
8040	STAMFORD, CONN.	CONSISTS OF STAMFORD CITY, AND DARIEN, GREENWICH, AND NEW CANAAN TOWNS IN FAIRFIELD COUNTY, CONN.
8050	STATE COLLEGE, PA.	COEXTENSIVE WITH CENTRE COUNTY, PA. (NEW AREA AS OF JUNE 19, 1981.)
8080	STEUBENVILLE-WEIRTON, OH.-W.VA.	CONSISTS OF JEFFERSON COUNTY, OH.; AND BROOKE AND HANCOCK COUNTIES, W.VA.
8120	STOCKTON, CALIF.	COEXTENSIVE WITH SAN JOAQUIN COUNTY, CALIF.
8160	SYRACUSE, N.Y.	CONSISTS OF MADISON, ONONDAGA, AND OSWEGO COUNTIES, N.Y.
8200	TACOMA, WASH.	COEXTENSIVE WITH PIERCE COUNTY, WASH.
8240	TALLAHASSEE, FLA.	CONSISTS OF LEON AND WAKULLA COUNTIES, FLA. (PRIOR TO 1973, DEFINITION EXCLUDES WAKULLA COUNTY, FLA. NEW AREA, FEBRUARY 1965.)
8280	TAMPA-ST.PETERSBURG, FLA.	CONSISTS OF HILLSBOROUGH, PASCO, AND PINELLAS COUNTIES, FLA. (PRIOR TO 1973 DEFINITION EXCLUDES PASCO COUNTY, FLA.)
8320	TERRE HAUTE, IND.	CONSISTS OF CLAY, SULLIVAN, VERMILLION, AND VIGO COUNTIES, IND. (PRIOR TO 1964, DEFINITION EXCLUDES CLAY, SULLIVAN, AND VERMILLION COUNTIES, IND.)
8360	TEXARKANA, TEX.-TEXARKANA, ARK.	CONSISTS OF BOWIE COUNTY, TEX., AND LITTLE RIVER AND MILLER COUNTIES, ARK. (PRIOR TO 1973, DEFINITION EXCLUDES LITTLE RIVER COUNTY, ARK. NEW AREA, AUGUST 1960.)
8400	TOLEDO, OH.-MICH.	CONSISTS OF FULTON, LUCAS, OTTAWA, AND WOOD COUNTIES, OH.; AND MONROE COUNTY, MICH. (PRIOR TO 1973, DEFINITION EXCLUDES FULTON AND OTTAWA COUNTIES, OHIO. PRIOR TO 1964, DEFINITION EXCLUDES WOOD COUNTY, OHIO, AND MONROE COUNTY, MICH.)
8440	TOPEKA, KANS.	CONSISTS OF JEFFERSON, OSAGE, AND SHAWNEE COUNTIES, KANS. (PRIOR TO 1973, DEFINITION EXCLUDES JEFFERSON AND OSAGE COUNTIES, KANS.)
8480	TRENTON, N.J.	COEXTENSIVE WITH MERCER COUNTY, N.J.
8520	TUCSON, ARIZ.	COEXTENSIVE WITH PIMA COUNTY, ARIZ.
8560	TULSA, OKLA.	CONSISTS OF CREEK, MAYES, OSAGE, ROGERS, TULSA, AND WAGONER COUNTIES,

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		OKLA. (PRIOR TO 1973, DEFINITION EXCLUDES MAYES, ROGERS, AND WAGONER COUNTIES, OKLA. PRIOR TO 1961, DEFINITION EXCLUDES OSAGE COUNTY, OKLA.)
8600	TUSCALOOSA, ALA.	COEXTENSIVE WITH TUSCALOOSA COUNTY, ALA. (NEW AREA, AUGUST 1960.)
8640	TYLER, TEX.	COEXTENSIVE WITH SMITH COUNTY, TEX. (NEW AREA, AUGUST 1960.)
8680	UTICA-ROME, N.Y.	CONSISTS OF HERKIMER AND ONEIDA COUNTIES, N.Y.
8720	VALLEJO-FAIRFIELD-NAPA, CALIF.	CONSISTS OF NAPA AND SOLANO COUNTIES, CALIF. (NEW AREA, OCTOBER 1963. PRIOR TO 1971, AREA TITLE EXCLUDES FAIRFIELD.)
8750	VICTORIA, TEX.	COEXTENSIVE WITH VICTORIA COUNTY, TEX. (NEW AREA AS OF JUNE 19, 1981.)
8760	VINELAND-MILLVILLE-BRIDGETON, N.J.	COEXTENSIVE WITH CUMBERLAND COUNTY, N.J. (NEW AREA, JANUARY 1968.)
8780	VISALIA-TULARE-PORTERVILLE, CALIF.	COEXTENSIVE WITH TULARE COUNTY, CALIF. (NEW AREA AS OF JUNE 19, 1981.)
8800	WACO, TEX.	COEXTENSIVE WITH MCLENNAN COUNTY, TEX.
8840	WASHINGTON, D.C.-MD.-VA.	CONSISTS OF WASHINGTON, D.C.; CHARLES, MONTGOMERY, AND PRINCE GEORGES COUNTIES, MD.; AND ALEXANDRIA, FAIRFAX, FALLS CHURCH, MANASSAS, AND MANASSAS PARK CITIES; AND ARLINGTON, FAIRFAX, LOUDOUN AND PRINCE WILLIAM COUNTIES, VA. (PRIOR TO 1975, DEFINITION INCLUDES MANASSAS AND MANASSAS PARK CITIES IN PRINCE WILLIAM COUNTY, VA., FROM WHICH THEY WERE SEPARATED AND MADE INDEPENDENT CITIES. PRIOR TO 1973, DEFINITION EXCLUDES CHARLES COUNTY, MD. PRIOR TO 1967, DEFINITION EXCLUDES LOUDOUN AND PRINCE WILLIAM COUNTIES, VA.; AND PRIOR TO 1964, DEFINITION INCLUDES FAIRFAX CITY IN FAIRFAX COUNTY, VA., FROM WHICH IT WAS SEPARATED AND MADE AN INDEPENDENT CITY.)
8880	WATERBURY, CONN.	CONSISTS OF THOMASTON, WATERTOWN, AND WOODBURY TOWNS IN LITCHFIELD COUNTY, AND WATERBURY CITY, NAUGATUCK BOROUGH AND BEACON FALLS, CHESHIRE, MIDDLEBURY, PROSPECT, SOUTHBURY, AND WOLCOTT TOWNS IN NEW HAVEN COUNTY, CONN. (PRIOR TO 1973, DEFINITION EXCLUDES SOUTHBURY TOWN IN NEW HAVEN COUNTY, CONN. PRIOR TO 1964, DEFINITION EXCLUDES WOODBURY TOWN IN LITCHFIELD COUNTY, CONN.)
8920	WATERLOO-CEDAR FALLS, IOWA	COEXTENSIVE WITH BLACK HAWK COUNTY, IOWA. (PRIOR TO 1973, AREA TITLE EXCLUDES CEDAR FALLS, IOWA.)
8940	WAUSAU, WIS.	COEXTENSIVE WITH MARATHON COUNTY, WIS. (NEW AREA AS OF JUNE 19, 1981.)
8960	WEST PALM BEACH-BOCA RATON, FLA.	COEXTENSIVE WITH PALM BEACH COUNTY, FLA. (PRIOR TO 1973, AREA TITLE EXCLUDES BOCA RATON, FLA.)
9000	WHEELING, W.VA.-OH.	CONSISTS OF MARSHALL AND OHIO COUNTIES, W.VA., AND BELMONT COUNTY, OH.
9040	WICHITA, KANS.	CONSISTS OF BUTLER AND SEDGWICK COUNTIES, KANS. (PRIOR TO 1964, DEFINITION EXCLUDES BUTLER COUNTY, KANS.)
9080	WICHITA FALLS, TEX.	CONSISTS OF CLAY AND WICHITA COUNTIES, TEX. (PRIOR TO 1973, DEFINITION EXCLUDES CLAY COUNTY AND INCLUDES ARCHER COUNTY, TEX. PRIOR TO 1961, DEFINITION EXCLUDES ARCHER COUNTY, TEX.)
9140	WILLIAMSPORT, PA.	COEXTENSIVE WITH LYCOMING COUNTY, PA. (NEW AREA, NOVEMBER 1971.)
9160	WILMINGTON, DEL.-N.J.-MD.	CONSISTS OF NEW CASTLE COUNTY, DEL., SALEM COUNTY, N.J., AND CECIL COUNTY, MD. (PRIOR TO 1964, DEFINITION EXCLUDES CECIL COUNTY, MD.)
9200	WILMINGTON, N.C.	CONSISTS OF BRUNSWICK AND NEW HANOVER COUNTIES, N.C. (NEW AREA, JULY 1965.)
9240	WORCESTER, MASS.	CONSISTS OF WORCESTER CITY, AND AUBURN, BERLIN, BOYLSTON, BROOKFIELD, CHARLTON, EAST BROOKFIELD, GRAFTON, HOLDEN, LEICESTER, MILLBURY, NORTH-BOROUGH, NORTHBRIDGE, NORTH BROOKFIELD, OXFORD, PAXTON, SHREWSBURY, SPENCER, STERLING, SUTTON, UPTON, UXBRIDGE, WEBSTER, WESTBOROUGH, AND WEST BOYLSTON TOWNS IN WORCESTER COUNTY, MASS. (PRIOR TO 1973, DEFINITION EXCLUDES CHARLTON, UXBRIDGE, AND WEBSTER TOWNS IN WORCESTER COUNTY, MASS. PRIOR TO 1964, DEFINITION EXCLUDES PAXTON AND STERLING TOWNS, MASS.)
9260	YAKIMA, WASH.	COEXTENSIVE WITH YAKIMA COUNTY, WASH. (NEW AREA, NOVEMBER 1971.)
9280	YORK, PA.	CONSISTS OF ADAMS AND YORK COUNTIES, PA. (PRIOR TO 1964, DEFINITION EXCLUDES ADAMS COUNTY, PA.)
9320	YOUNGSTOWN-WARREN, OH.	CONSISTS OF MAHONING AND TRUMBULL COUNTIES, OH. (PRIOR TO 1961, AREA TITLE EXCLUDES WARREN, OH.)
9340	YUBA CITY, CALIF.	CONSISTS OF SUTTER AND YUBA COUNTIES, CALIF. (NEW AREA AS OF JUNE 19, 1981.)

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December 13, 1982

Part V

Department of Housing and Urban Development

Office of the Assistant Secretary for Community Planning and Development

Community Development Block Grants for Indian Tribes and Alaskan Native Villages; Proposed Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 571

[Docket No. R-82-1030]

Community Development Block Grants for Indian Tribes and Alaskan Native Villages

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

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise the regulations governing the Community Development Block Grant for Indian Tribes and Alaskan Native Villages. The revision incorporates new policies and procedures and simplifies the regulations' text and the application process. Substantial changes would be made as follows: (1) The two-step preapplication/full application will be reduced to a modified one-step process; (2) the number of rating criteria used to select grantees will be reduced from 9 to 4; (3) Indian preference requirements will be revised to be consistent with Indian housing preference requirements, and (4) comprehensive grants will be eliminated.

DATE: Comment Due Date January 3, 1983.

ADDRESS: Comments should be sent to the Rules Docket Clerk, Office of General Counsel, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Each comment should include the commentor's name and address and must refer to the docket number and title indicated in the heading of this document. A copy of each communication will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Marcia A. B. Brown, Room 7134, Office of Program Policy Development, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, (202) 755-6092. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: In rewriting the Indian Community Development Block Grant (CDBG) Program regulations, an effort has been made to reduce and simplify the existing regulations as much as possible. For example, portions of these regulations which duplicated material in Part 570 were deleted and replaced by references to that part. The changes proposed are in keeping with recently enacted legislation that provides greater flexibility in decision-making at the local level. The following paragraphs discuss the revisions made in the Indian CDBG regulations.

Subpart A—General Provisions

This subpart will be reduced in length by eliminating language which is repetitious of the statute and of other sections of the rule. The definitions which more appropriately appear in the body of the regulations will be removed from this section.

Section 571.5 Eligible applicants.

The language concerning eligible applicants will be clarified. To be eligible, a Tribe or Alaskan Village must be an eligible recipient under Title I of the Indian Self-Determination and Education Assistance Act or under General Revenue Sharing. An applicant now has to be eligible by the application submission date rather than by ninety days prior to the beginning of the Fiscal Year.

Section 571.6 Consultations.

The role of the applicants in the consultation process will be redefined. Consultations will be required on an annual basis, but can be oral or written. The purpose of the consultation is two-fold: to provide eligible applicants with information concerning that year's Indian CDBG Program and to solicit the applicants' views on Field Office proposals for grant ceilings, impact and quality rating factors, and relative weights of rating factors. Applicants' views will be considered advisory only.

Subpart B—Allocation of Funds

Section 571.100(a) Types of grants.

Basic Grants under the Indian CDBG Program will be retitled Single Purpose Grants to be consistent with the terminology used in the Small Cities Program. Comprehensive Grants will be eliminated as a type of grant available under this program. The original comprehensive grant concept is considered a demonstration. As such it is being used in two of the six offices responsible for the program and then to a limited degree. The Single Purpose Grant concept will allow an applicant to be awarded a grant for more than one project, similar to a Comprehensive Grant. The only difference is that each of those projects will have a rate high enough for funding.

Section 571.100(b) Size of grants.

These regulations will provide for the use of grant ceilings at the discretion of the Field Office to limit the size of grants and thus provide for more grants. Section 571.301(c) will allow Field Offices to screen applications for compliance with the grant ceiling.

Subpart C—Eligible Activities

The eligible activities regulations of Part 570 will be referenced instead of repeated. One modification to Part 570 Subpart C is that the definition of administrative costs (§ 571.203) will be modified so that certain technical assistance activities will not be included. The new rule will provide that up to ten percent of the total grant award can be used for the purchase of technical assistance to undertake specific activities, excluding administrative and planning activities.

Subpart D—Single Purpose Grant Application and Selection Process

Section 571.300(f) Application components.

The two-step preapplication/full application process will be reduced to a modified one-step process. Applicants will submit an application which will provide HUD the information necessary to rate the proposed project(s) and will assure HUD that the necessary citizen participation has taken place. The pre-application requirement will be removed to ease the administrative burden on applicants.

Section 571.302 Selection process.

The separate threshold factors of eligible applicant and eligible activity will be more appropriately included as screening factors (§ 571.301(a)). In order to emphasize that the Indian CDBG Program is intended to address community development needs, a new threshold factor will require that applicants certify that proposed activities impact the applicant's community development needs. In cases where an applicant's proposed activities cannot be justified as meeting needs, the application will not be rated and ranked. The threshold factors for capacity and performance will be modified as well. Field offices will judge whether applicants have the capacity to carry out proposed projects by examining whether they have or will acquire the necessary managerial, technical, or administrative staff. Applicant performance will be examined in three areas: community development, housing assistance, and outstanding audit findings. With the first

area, an applicant with negative monitoring findings must be on schedule in taking corrective action. With housing assistance, the applicant must have taken actions within its control to facilitate the provisions of housing assistance. Finally, specific language will be added requiring previous grantees to resolve outstanding audit findings in a timely manner and to repay or establish a schedule for repayment of Community Development Block Grant funds owed to HUD in order to pass the threshold factor.

The number of rating criteria (from which rating factors will be developed) will be reduced from 9 to 4. The four impact criteria in the old regulations will be merged into one criterion with five examples listed of the type of factors to be used to measure impact. Two other rating criteria will measure the relative need of the applicant and the benefit to be derived from the project. A fourth rating criterion is now with these regulations and rates qualitative aspects of proposed projects as measured by per capita cost; cost effectiveness; use of existing resources, services, and facilities; or increased job opportunities. The factors listed for measuring impact and quality are only examples. Field Offices may develop their own factors for impact and quality, but in so doing cannot require additional information beyond what is required in the application.

Section 571.303 Funding process.

Applicants notified that their projects rank high enough for funding will be asked to submit only an implementation schedule, certifications, and final cost information, if HUD revised the original amount requested, in order to receive the grant agreement. Such information will be necessary for HUD's monitoring of grantee performance. It will be incumbent upon the grantee to respond quickly in order for the grant to be awarded quickly.

The new process will provide the leeway to select projects with excellent concepts, but which may lack conclusive information on scope and implementation or other funding sources. These types of applicants will be given at least 30 days to respond to preaward requirements.

Subpart E—Imminent Threat Grants

With the elimination of Comprehensive Grants, Subpart E will be renamed Imminent Threat Grants. Language relating to these types of grants will be clarified. Section 571.402, "Availability of funds," will establish that funds set aside for imminent threat grants will be available only until the single purpose grants have been awarded. After that time, the imminent threat funds will be awarded to the highest ranking unfunded single purpose projects.

Subpart F—Grant Administration

Subpart J of Part 570 will be referenced as applicable to the Indian CDBG Program except for the modifications and additions which appear in Subpart F of Part 571.

Section 571.503 Indian preference requirements.

This section clarifies the applicability of section 7(b) of the Indian Self-Determination and Education Assistance Act to the Indian CDBG Program. This section is now consistent with the Indian preference requirements of the Indian housing program (24 CFR 805.204).

Specifically, this section will require that Indian preference be given to the greatest extent feasible in the award of contracts and subcontracts and in the administration of the program. In contracting, the grantee may advertise for bids strictly from Indian-owned firms, or determine the extent to which Indian-owned firms are available and qualified through a solicitation of intent, then advertise for bids strictly from Indian-owned firms. Another method developed by the grantee may be used to provide Indian preference only with HUD approval prior to implementation. Should any of these methods fail to provide more than one bid, or an approvable bid, then the bidding can be opened to non-Indian-owned firms as well.

Additional Indian preferences can be used by the grantee with prior HUD approval. The additional preference shall not result in a higher cost, or greater risk of non-performance.

Subpart G—Other Program Requirements

The requirements of Subpart K of Part 570 will be referenced as applicable to grants under Part 571, except for the specific sections modified herein.

Section 571.603 Labor standards.

One proposed change in this subpart from the previous regulations is that the requirements of Section 110 of the Housing and Community Development Act of 1974, as amended, with respect to the Davis-Bacon Act will be waived for all projects rather than on a case-by-case basis, in accordance with the authority granted to the Secretary in Section 107(d)(2) of the Housing and Community Development Act of 1974, as amended. In providing the waiver, these regulations will not permit a grantee to set excessive wage rates beyond what is being charged for similar projects.

Section 571.604 Citizen participation.

The requirement for two meetings on the proposed application will be reduced to one, in accordance with statutory changes. Additionally, the requirement that the application be published will be clarified so that applicants need only publicize their proposal which can be done by publishing or posting a notice in a public place.

Section 571.606 Housing assistance.

A new provision will add as a performance consideration under the Indian CDBG program, the performance of a Tribe with an Indian Housing Authority (IHA) in complying with the resolution it signed, when the IHA was established, to aid and cooperate in the planning, undertaking, construction, and operation of housing projects.

Subpart H—Program Performance

The length of this subpart will be reduced considerably by eliminating repetition of other subparts and by referring to the Administrative Procedure Act.

Other Information

The Secretary has determined that it is in the public interest to have this amendment take effect in time for the FY 1983 funding cycle, since the delay that would result from affording lengthy opportunity for public comment prior to the rule's becoming effective would impose a hardship on Tribes, which have extensive community development needs. Accordingly, the public comment period has been reduced to twenty days. Interested persons are invited to submit comments, and such comments will be considered in the development of the final rule.

Pursuant to the provision of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule will simplify and reduce the requirements for applicants and grantees. Additionally, in making grants the program provides ample funds to cover those expenditures related to the administrative costs of the program.

This rule does not consitute a "major rule" as that term is defined in Section 1(b) of Executive Order 12291 on Federal Regulation issued by the President on February 17, 1981. Analysis of the rule indicates that it does not (1) have an

annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprise to compete with foreign-based enterprises in domestic or export markets.

A finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations on 24 CFR Part 50 which implement section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection and copying during regular business hours in the Office of the Rules Docket Clerk, Room 10278, 451 Seventh Street, SW., Washington, D.C. 20410.

This rule was listed as item (D) 26. (CPD–18–79) in the Department's Semi-Annual Agenda of Regulations published on August 17, 1981 (46 FR 41708) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance number is 14.223.

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96–511), the reporting or recordkeeping provisions that are contained in §§ 571.300, 571.303, 571.502 and 571.700 of this regulation have been submitted for approval to the Office of Management and Budget (OMB). They are not effective until OMB approval has been obtained and the public notified to that effect through a technical amendment to this regulation.

List of Subjects in 24 CFR Part 571

Community development block grants, Grant programs—housing and community development, Grant programs—Indians, Indians.

Accordingly, 24 CFR Part 571 would be revised to read as follows:

PART 571—COMMUNITY DEVELOPMENT BLOCK GRANTS FOR INDIAN TRIBES AND ALASKAN NATIVE VILLAGES

Subpart A—General Provisions

Sec.

571.1 Applicability and scope.
571.2 Program objectives.
571.3 Nature of program.
571.4 Definitions.
571.5 Eligible applicants.
571.6 Consultations.
571.7 Waivers.

Subpart B—Allocation of Funds

Sec.

571.100 General.
571.101 Regional Allocation of Funds.

Subpart C—Eligible Activities

571.200 General.
571.201 Facilities.
571.202 Non-profit organizations.
571.203 Administrative Costs.

Subpart D—Single Purpose Grant Application and Selection Process

571.300 Application requirements.
571.301 Screening and review of applications.
571.302 Selection process.
571.303 Funding process.
571.304 Program amendments.

Subpart E—Imminent Threat Grants

571.400 Criteria for funding.
571.401 Application process.
571.402 Environmental review.
571.403 Availability of funds.

Subpart F—Grant Administration

571.500 General.
571.501 Designation of public agency.
571.502 Force account construction.
571.503 Indian preference requirements.

Subpart G—Other Program Requirements

571.600 General.
571.601 Nondiscrimination.
571.602 Relocation and acquisition.
571.603 Labor standards.
571.604 Citizen participation.
571.605 Environment.
571.606 Housing assistance.

Subpart H—Program Performance

571.700 Reports to be submitted by grantee.
571.701 Review of recipient's performance.
571.702 Corrective and remedial actions.
571.703 Reduction or withdrawal of grant.
571.704 Other remedies for non-compliance.

Authority: Title I, Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301, et. seq.); sec. 7(d) Department of Housing and Urban Development Act, as amended (42 U.S.C. 3535(d)).

Subpart A—General Provisions

§ 571.1 Applicability and scope.

The policies and procedures described in this Part apply only to grants to eligible Indian Tribes and Alaskan Native Villages under the Community Development Block Grant (CDBG) Program for Indian Tribes and Alaskan Natives Villages.

§ 571.2 Program objectives.

The primary objective of the Indian CDBG Program is the development of viable Indian and Alaskan Native communities, including decent housing, a suitable living environment, and expanding economic opportunities, principally for persons of low and moderate income. The Federal assistance provided in this part is for the support of community development activities which further this objective. This assistance is not to be utilized to reduce substantially the amount of local financial support for community development activities below the level of such support prior to the availability of this assistance.

§ 571.3 Nature of program.

The Indian CDBG Program is competitive in nature. The demand for funds far exceeds the amount of funds available. Therefore, selection of eligible applicants for funding will reflect consideration of relative need among applicants, and relative adequacy of applications in addressing locally-determined need. Applicants for funding must have the administrative capacity to undertake the community development activities proposed.

§ 571.4 Definitions.

(a) "Act" means Title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 et seq.).

(b) "Chief executive officer" means the elected official or legally-designated official who has the prime responsibility for the conduct of the affairs of an Indian Tribe or Alaskan Native Village.

(c) "Eligible Indian populations" means the most accurate and uniform population data available from reliable sources for Indian Tribes and Alaskan Native Villages eligible under this part.

(d) "Extent of poverty" means the number of persons whose incomes are below the poverty level based on data compiled and published by the United States Bureau of the Census referable to the same point or period in time and the latest reports from the Office of Management and Budget.

(e) "Field offices" means the HUD Offices of Indian Programs or Area Office having responsibility for the Indian CDBG Program.

(f) "HUD" means the Department of Housing and Urban Development.

(g) "Identified service area" means: (1) A geographic location within the jurisdiction of a Tribe (but not the entire jurisdiction) designated in comprehensive plans, ordinances, or other local documents as a service area; (2) The BIA service area including residents of area outside the geographical jurisdiction of the Tribe; or (3) The entire area under the jurisdiction of a Tribe which is under 10,000 population.

(h) "Low and moderate-income families/persons" means families/persons whose incomes do not exceed 80 percent of the median income for the area, as determined by HUD with

adjustments for smaller or larger families, except that HUD may establish income ceilings higher or lower than 80 percent of the median for the area based on HUD's findings that such variations are necessary because of unusually high or low family incomes.

(i) "Secretary" means the Secretary of HUD.

(j) "Tribal Government," "Tribal governing body" or "Tribal Council" means the recognized governing body of an Indian Tribe or Alaskan Native Village.

(k) "Tribal resolution" means the formal manner in which the Tribal government expresses its legislative will in accordance with its organic documents. In the absence of such organic documents, a written expression adopted pursuant to Tribal practices will be acceptable.

(l) "Unemployment" means the number of persons out of work, who are willing and able to work.

§ 571.5 Eligible applicants.

(a) Eligible applicants are any Indian Tribe, band, group, or nation, including Alaskan Indians, Aleuts, and Eskimos, and any Alaskan Native Village of the United States which is considered an eligible recipient under Title I of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450) or under the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. 1221). Eligible recipients under the Indian Self-Determination and Education Assistance Act will be determined by the Bureau of Indian Affairs and eligible recipients under the State and Local Fiscal Assistance Act of 1972 will be determined by the Department of Treasury, Office of Revenue Sharing.

(b) Tribal organizations which are eligible under Title I of the Indian Self-Determination and Education Assistance Act may apply on behalf of any Indian Tribe, band, group, nation, or Alaskan Native Village eligible under that Act for funds under this part when one or more of these entities have authorized the tribal organization to do so through concurring resolutions. Such resolutions must accompany the application for funding. Eligible tribal organizations under Title I of the Indian Self-Determination and Education Assistance Act will be determined by the Bureau of Indian Affairs.

(c) Only eligible applicants shall receive grants. However, eligible applicants may contract or otherwise agree with non-eligible entities such as States, cities, counties, or organizations to assist in the preparation of applications and to help implement assisted activities.

(d) To apply for funding in a given fiscal year an applicant must be eligible by the application submission date.

§ 571.6 Consultations.

On an annual basis written and/or oral consultations will be held with eligible applicants by each Field Office for these purposes:

(a) To allow eligible applicants an opportunity to comment on Field Office proposals for grant ceilings, impact and quality rating factors, and relative weights of rating factors;

(b) To provide eligible applicants with information on how to apply for funds and how grants will be selected and awarded; and

(c) To inform eligible applicants of changes in the program.

§ 571.7 Waivers.

The Secretary may waive any requirement of the part not required by law whenever it is determined that undue hardship will result from applying the requirement or where application of the requirement would adversely affect the purposes of the Act.

Subpart B–Allocation Funds

§ 571.100 General.

(a) *Types of grants.* Two types of grants are available under the Indian CDBG Program.

(1) *Single Purpose grants* provide funds for one or more single purpose projects each consisting of an activity or set of activities designed to meet a specific community development need. This type of grant is awarded through competition with other single purpose projects.

(2) *Imminent Threat grants* alleviate an imminent threat to public health or safety that requires immediate resolution. This type of grant is awarded only after a Field Office determines that such conditions exist and if funds are available for such grants.

(b) *Size of Grants.*— (1) *Ceilings.* Each Field Office may establish grant ceilings for Single Purpose Grant applications.

(2) *Individual grant amounts.* In determining appropriate grant amounts to be awarded, HUD may take into account the size of the applicant, the level of demand, the scale of the activity proposed relative to need and operational capacity, the number of persons to be served, and the administrative capacity of the applicant to complete the activities in a timely manner.

§ 571.101 Regional allocation of funds.

Funds will be allocated to the Field Offices responsible for the program totally on the basis of population. Population data used for the allocation of funds will be based upon the eligible Indian population of those Tribes and Villages which are determined to be eligible ninety (90) days prior to the beginning of each fiscal year.

Subpart C—Eligible Activities

§ 571.200 General.

The eligibility requirements of 24 CFR Part 570, Subpart C—Eligible Activities, apply to grants under this part with the modifications herein stated.

§ 571.201 Facilities.

(a) Neighborhood facilities are synonomous with tribal or village facilities.

(b) Fire protection facilities must be located in or serve identified service areas.

§ 571.202 Non-profit organizations.

Tribal-based non-profit organizations replace neighborhood-based non-profit organizations under 24 CFR Part 570 Subpart C. A Tribal-based Non-profit Organization is an association or corporation duly organized to promote and undertake community development activities on a not-for-profit basis within an identified service area.

§ 571.203 Administrative costs.

(a) For purposes of this part, technical assistance costs associated with the development of a capacity to undertake specific program activities are not considered administrative costs. Therefore, these costs are not included in the twenty percent limitation on planning and administration stated in Part 570, Subpart C.

(b) Technical assistance costs cannot exceed ten percent of the total award.

Subpart D—Single Purpose Grant Application and Selection Process

§ 571.300 Application requirements.

(a) *General.* Applications are required for assistance under this part. Applications may include any number of eligible projects. Single Purpose grant applications will have each project rated separately. Applications shall include projects which can be completed within a reasonable period of time, generally not more than two years.

(b) *Submission dates.* Each Field Office will establish deadline for the submission of applications. Submission dates will be published by HUD as a notice in the **Federal Register.**

(c) *Demographic data.* Applicants may submit data that are unpublished and not generally available in order to meet

the requirements of this section. The applicant must certify that:

(1) Generally available, published data are substantially inaccurate or incomplete;

(2) Data provided have been collected systematically;

(3) Data are, to the greatest extent feasible, independently verifiable; and

(4) Data differentiate between reservation and BIA service area populations.

(d) *Costs incurred by applicant.* (1) HUD will not reimburse or recognize any costs incurred before submission of the application to HUD.

(2) Also, HUD will not normally reimburse or recognize costs incurred before HUD approval of the application for funding. However, under unusual circumstances the Field Office may consider and approve written requests to recognize and reimburse costs incurred after submission of the application where failure to do so would impose undue or unreasonable hardship on the applicant. Such authorization will be made only where the requirements for reimbursement have been met pursuant to 24 CFR 58.22; and with the understanding that HUD has no obligation whatsoever to approve the application or to reimburse the applicant should the application be disapproved.

(e) *Publication of community development statement.* Applicants for Single Purpose grants shall prepare and publish or post the community development statement portion of their application according to the citizen participation requirements of § 571.604.

(f) *Application components.* Applicants for Single Purpose grants shall submit an application to the appropriate Field Office in a form prescribed by HUD. Components of the application shall include the following:

(1) Standard form 424;

(2) Community development statement, which includes:

(i) Brief description of community development needs;

(ii) Brief description of proposed projects to address needs, including scope, magnitude, and method of implementing project;

(iii) Cost information by project including specific activity costs, administration, planning, and technical assistance, total HUD share, and amount of other funds by source.

(3) Map showing project location;

(4) Certification in the form of a tribal resolution that citizen participation requirements of § 571.604 have been met.

(Approved by the Office of Management and Budget under OMB control number 2506–0043).

§ 571.301 Screening and review of applications.

(a) *Criteria for acceptance.* Applications for Single Purpose grants will be initially screened by each Field Office and accepted if:

(1) They have been received or postmarked on or before the submission date;

(2) The applicant is eligible;

(3) The proposed activities are eligible; and

(4) They contain all components specified in § 571.301(f). Applications failing this initial screening shall be returned to the applicants.

(b) *Demographic data.* HUD will review and accept demographic data provided by an applicant if in HUD's determination the data are of the quality described in § 571.300(c). Where demographic data provided by an applicant is unacceptable, HUD will use the best available data at HUD's disposal.

(c) *Grant ceiling.* Where Field Offices have established grant ceilings, applications will be reviewed for compliance.

§ 571.302 Selection process.

(a) *Threshold requirements.* In order for applications that have passed the initial screening tests of § 571.301 to be rated and ranked, Field Offices must determine that the following threshold requirements have been met:

(1) *Community development need and appropriateness.* Applicant's project(s) directly impacts on its community development needs, the costs are reasonable, it is appropriate for the intended use, and is usable or achievable generally within a two year period. If available data, in the judgment of the Field Office, indicate that the proposed project is inconsistent with the applicant's community development needs, its costs are unreasonable, it is inappropriate for the intended use, or not usable generally within two years, the Field Office shall determine that the applicant has not met this threshold requirement, and reject the application from further consideration.

(2) *Capacity and performance.* Applicant has the capacity to undertake the proposed program. Additionally, applicants that have previously participated in the Indian CDBG Program must have performed adequately and/or in cases of previously documented deficient performance the applicant has taken appropriate corrective action to improve its performance.

(i) *Capacity.* Applicant possesses, or will acquire the managerial, technical, or administrative staff necessary to carry out the proposed projects. If the Field Office determines that the applicant does not have or cannot obtain the capacity to undertake the grant, the application will be rejected from further consideration.

(ii) *Performance.*—(A) *Community development.* Performance determinations are made through the Field Office's normal monitoring process. Applicants that have been advised in writing of negative findings on previous grants for which a schedule of corrective actions has been established, will not be considered for funding if they are behind schedule as of the deadline date for filing applications.

(B) *Housing assistance.* Actions have been taken by the applicant within its control to facilitate the provision of housing assistance for low- and moderate-income members of the Tribe or Alaskan Village. Any action to prevent the provision or operation of assisted housing for low- and moderate-income persons, shall also be evaluated in terms of whether it constitutes inadequate performance by the applicant. If inadequate performance is found, the applicant shall be rejected from further consideration. Subsequent applications will also be similarly disqualified in subsequent competitions unless the applicant has taken corrective actions within its control.

(C) *Previous audit finding and outstanding monetary obligations.* An applicant that has an outstanding Community Development Block Grant obligation to HUD that is in arrears or for which a repayment schedule has not been agreed to, will be disqualified from the current and subsequent competitions until the obligations are current. An applicant that has an outstanding audit finding against it will be disqualified from the current and subsequent competitions until the audit finding is resolved. The Field Office Director may provide waivers to this disqualification in those cases where the applicant has made a good faith effort to clear the audit. In no instance, however, shall a waiver be provided when funds are due HUD, unless a satisfactory arrangement for repayment of the debt has been made, and payments are current.

(b) *Supporting information.* Field Offices shall provide applicants an opportunity to submit supporting information or modification for those applications which upon review are found to be apparently inconsistent with known facts or data; or inadequate in substance to make a threshold or rating determination, or a determination of compliance with the requirements of this part. Applicants shall only submit

supporting information or modification in response to inquires made by HUD. Applicants failing to meet the supporting information or modification request shall be disqualified from the competition if the Field Office determines that the applicant fails to meet the threshold requirements; or that information is lacking to make rating determinations, or to show compliance with requirements of this part.

(c) *Rating factors and criteria.* Applications which meet the threshold requirements established in paragraph (a) of this section will be rated competitively. Each project in the application will be rated separately against others addressing the same impact factor.

(1) All projects will be rated against these specific factors:

(i) Relative needs of the applicant as measured by the extent of poverty and/or unemployment as represented by both numbers and percentages of families and/or individuals living in this condition; and

(ii) Degree of benefit of the proposed projects as measured by the number and percentage of low- and moderate-income families and persons to be served by the project.

(2) Additional rating factors will be developed by each Field Office to address these rating criteria:

(i) The impact of the proposed project on the applicant's community development need as measured by factors which may include, but are not limited to the following:

(A) The degree of impact of the proposed project on the provision of basic community facilities and services;

(B) The importance of the project to the provision of more or better housing for low- and moderate-income families and individuals;

(C) The direct impact of the project on the economic development of the applicant's community; or

(D) The degree to which the project will alleviate or remove a serious threat to health or safety; and/or

(E) The degree to which the project develops renewable energy resource systems and/or promotes energy efficiency.

(ii) The quality of the proposed project as measured by factors which may include, but are not limited to the following:

(A) Per capita cost when compared to other similar projects by similar size applicants;

(B) Cost effectiveness through joint tribal or tribal/community facilities;

(C) Maximium use of existing services, facilities, and resources; or

(D) Retention, expansion, or creation of job opportunities; and /or

(E) Use of national or comparable tribal standards appropriate for the locale.

(3) Rating factors developed in accordance with paragraph (2) of this section shall not result in additional information beyond what is required in the application.

(d) *Final ranking.* The points received for each rating factor by a project are totaled and the projects ranked according to the point totals. Projects are selected for funding based on this final ranking to the extent that funds are available. HUD may select additional projects for funding should one of the higher ranking projects not be funded, or if additional funds become available.

(e) *Procedural error.* If a Field Office makes a procedural error in the competition that, when corrected, will result in awarding sufficient points to warrant funding of an otherwise eligible applicant, HUD may fund that applicant in the next fiscal year without further competition.

§ 571.303 Funding process.

(a) *Notification.* Field Offices will notify applicants of the actions taken regarding their applications. Grant amounts offered may reflect adjustments made by the Field Offices in accordance with § 571.100(b).

(b) *Pre-award requirements.*

(1) Upon notification by HUD of successfully competing for a grant, the applicant shall submit on forms prescribed by HUD the following:

(i) Implementation schedule;

(ii) Certification; and

(iii) Cost information, if changes have occurred or if the Field Office has adjusted the original grant request.

(Approved by the Office of Management and Budget under OMB control number 2506-0043)

(2) Successful applicants may also be required to provide supporting documentation concerning the management, maintenance, operation or financing of proposed projects before a grant agreement can be executed. Applicants will be given at least thirty (30) days to respond to such requirements. In the event that no response or an insufficient response is made within the prescribed time period, the Field Office shall determine that the applicant has not met the requirements and the grant offer will be withdrawn. The Field Offices shall require supporting documentation in those instances where:

(i) Specific questions remain concerning the scope, magnitude, timing, or method of implementing the project; and/or

(ii) The applicant has not provided information verifying the commitment of other resources required to complete, operate or maintain the proposed project.

(Approved by the Office of Management and Budget under OMB control number 2506-0043)

(3) Grant amounts allocated for applicants unable to meet preaward requirements will be offered to the next highest ranking unfunded project.

(4) New projects may not be substituted for those originally proposed in the application.

(c) *Grant award.* (1) As soon as HUD determines that the applicant has complied with the preaward requirements and nothing has come to the attention of the Field Office which would alter the threshold determinations under § 571.302, the grant will be awarded. These regulations, 24 CFR Part 571, become part of the grant agreement.

(2) All grants shall be conditioned upon the completion of all environmental obligations and approval of release of funds by HUD in accordance with 24 CFR Part 58 requirements and, in particular, Subpart J; except as otherwise provided in:

(i) Section 58.33 Emergencies;

(ii) Section 58.34 Exempt activities; or

(iii) Section 58.22 Activities excepted from limitations on the commitment of funds and which are reimbursable under Subpart C of Part 570.

(3) HUD may place other conditions on a grant in which case the grant agreement will be approved, but the obligation and utilization of funds may be restricted in whole or in part. The reasons for the conditional approval and the actions necessary to remove the conditions shall be specified in the grant agreement. Failure to satisfy the conditions may result in a termination of the grant. Conditional approval may be made:

(i) Where the requirements of 24 CFR 570.607 regarding the provision of public services and flood or drainage facilities have not yet been satisfied;

(ii) Pending site and neighborhood standards approval for proposed housing project, if applicable;

(iii) Pending HUD's approval of the use of Tribal work forces for construction or renovation activities in accordance with § 571.502; or

(iv) Pending resolution of problems with specific projects or of the capability of the grantee to obtain

resources needed to carry out, operate or maintain the project.

§ 571.304 Program amendments.

(a) Grantees shall request prior HUD approval for all program amendments involving the alteration of existing activities that will significantly change the scope, location, objective, or class of beneficiaries of the approved activities, as originally described in the application. Approval is subject to the following:

(1) A rating equal to or greater than the lowest rating received by a funded project during the last rating cycle;

(2) Capability to promptly complete the modified or new activities;

(3) Compliance with the requirements of § 571.604 for citizen participation; and

(4) The preparation of an amended or new environmental review in accordance with 24 CFR Part 58, if there is a significant change in the scope or location of approved activities.

Subpart E—Imminent Threat Grants

§ 571.400 Criteria for funding.

The following criteria apply to requests for assistance under this subpart:

(a) In response to request for assistance, the Field Office may make funds available under this Subpart to applicants to alleviate or remove imminent threats to health or safety that require an immediate solution. The urgency and immediacy of the threat shall be independently verified prior to the acceptance of an application. Funds to alleviate imminent threats to health and safety may only be used to deal with threats that are not of a recurring nature, which represent a unique and unusual circumstance, and impact on an entire service area.

(b) Funds to alleviate imminent threats may be granted only if the applicant can demonstrate to the satisfaction of HUD that other local or Federal funding sources cannot be made available to alleviate the threat.

§ 571.401 Application process.

(a) *Letter to proceed.* The Field Office may only issue the applicant a letter to proceed to incur costs to alleviate imminent threats to health and safety if the assisted activities do not alter environmental conditions and are for temporary or permanent improvements limited to protection, repair, or restoration actions necessary only to control or arrest the effects of imminent threats or physical deterioration. Reimbursement of such costs is dependent upon HUD approval of the application.

(b) *Application.* Applications shall be submitted in accordance with § 571.300(f) and § 571.303(b). Applications which meet the requirements of this section may be approved by the Field Office without competition.

§ 571.402 Environmental review.

Pursuant to 24 CFR 58.34(a)(8), grants for imminent threats to health or safety are exempted from some or all of the environmental review requirements of Part 58 to the extent provided therein.

§ 571.403 Availability of funds.

Field Offices may set aside up to 15 percent of their allocation of funds under this Part for imminent threat grants. The only funds reserved for imminent threat are those set side by the Field Office each year. Imminent threat funds which are not awarded prior to the award of the last Single Purpose grant shall be used for the next highest ranking Single Purpose project. After these funds are depleted, HUD shall not consider further requests for imminent threat grants during that fiscal year.

Subpart F—Grant Administration

§ 571.500 General.

The requirements of 24 CFR Part 570, Subpart J—Grant Administration, apply to grants under this part with the modifications herein stated.

§ 571.501 Designation of public agency.

One or more Tribal departments or authorities may be designated by the chief executive officer of an Indian Tribe or Alaskan Native Village as the operating agency to undertake activities assisted under this part. The Indian Tribe or Alaskan Native Village itself, however, shall be the applicant. Designation of an operating agency does not relieve the Indian Tribe or Alaskan Native Village of its responsibility in assuring that the program will be administered in accordance with all HUD requirements, including these regulations.

§ 571.502 Force account construction.

(a) The utilization of Tribal work forces for construction or renovation activities performed as part of the activities funded under this part shall be approved by HUD prior to the start of project implementation. In reviewing requests for an approval of force account construction or renovation, HUD may require that the grantee provide the following:

(1) Documentation to indicate that it has carried out or can carry out successfully a project of the size and scope of the proposal;

(2) Documentation to indicate that it has obtained or can obtain adequate supervision for the workers to be utilized;

(3) Information showing that the workers to be utilized are, or will be, listed on the Tribal payroll and are employed directly by an arm, department or other governmental instrumentality of the Tribe or Alaskan Native Village.

(Approved by the Office of Management and Budget under OMB control number 2506–0043)

(b) Any and all excess funds derived from the force account construction or renovation activities shall accrue to the grantee and shall be reprogrammed for other activities eligible under this Part in accordance with § 571.304 or returned to HUD promptly.

(c) Insurance coverage for force account workers and activities shall, where applicable, include workman's compensation, public liability, property damage, builder's risk, and vehicular liability.

(d) The grantee shall specify and apply reasonable labor performance, construction or renovation standards to work performed under the force account.

(e) The contracting and procurement standards set forth in OMB Circular A–102 apply to material, equipment, and supply procurements from outside vendors under this section, but not to other activities undertaken by force account.

§ 571.503 Indian preference requirements.

(a) *Applicability.* HUD has determined that grants under this Part are subject to Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)), which requires that to the greatest extent feasible: (1) Preference and opportunities for training and employment shall be given to Indians, and (2) Preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned economic enterprises.

(b) *Definitions.* Indian organizations and Indian-owned economic enterprises include both:

(1) Any "economic enterprise" as defined in Section 3(e) of the Indian Financing Act of 1974 (Pub. L. 93–262); that is, "any Indian-owned commercial, industrial, or business activity established or organized for the purpose of profit provided that such Indian ownership and control shall constitute not less than 51 percent of the enterprise"; and

(2) Any "tribal organizations" as defined in section 4(c) of the Indian Self-Determination and Education Assistance Act (Pub. L. 93–638); that is, "the recognized governing body of any Indian Tribe; any legally established organization of Indians which is controlled, sanctioned or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organizations and which include the maximum participation of Indians in all phases of its activities."

(c) *Preference in administration of grant.* To the greatest extent feasible, preference and opportunities for training and employment in connection with the administration of grants awarded under this part shall be given to Indians and Alaskan Natives.

(d) *Preference in contracting.* (1) To the greatest extent feasible, grantees shall give preference in the award of contracts and subcontracts for projects funded under this part to Indian organizations and Indian-owned economic enterprises. One of the following methods of providing preference may be used:

(i) Advertise for bids or proposals limited to qualified Indian organizations and Indian-owned enterprises. Bids must be received from more than one prospective contractor in order for the contract to be awarded.

(ii) Use a two-stage procedure.

(A) Stage 1: Invite or otherwise solicit Indian-owned economic interprises to submit a statement of intent to respond to a bid announcement limited to Indian-owned firms.

(B) Stage 2: If responses are received from more than one Indian enterprise which is found to be qualified, advertise for bids or proposal limited to Indian organizations and Indian-owned economic enterprises.

(iii) Develop the grantee's own method of providing preference with Field Office approval of the method prior to implementation.

(iv) If a grantee has used the method in paragraph (d)(1)(i),(ii) or (iii) of this section and failed to receive statements of intent or approvable bids or proposals from more than one qualified Indian enterprise, the grantee may advertise for bids or proposals without limiting the advertisement to Indian organizations and Indian-owned economic enterprises and, as in all cases, shall accept the lowest responsible bid or the best proposal.

(2) All preferences shall be publicly announced in the bid announcements.

(3) A grantee, at its discretion, may require information of prospective contractors seeking to qualify as Indian organizations or Indian-owned economic enterprises; however, this information need not be submitted to HUD. Thus, prospective contractors may be required by grantees to submit with or prior to submission of a bid or proposal:

(i) Evidence showing fully the extent of Indian ownership, control, and interest;

(ii) Evidence of structure, management and financing affecting the Indian character of the enterprise, including major subcontracts and purchase agreements; materials or equipment supply arrangements; and management salary or profit-sharing arrangements; and evidence showing the effect of these on the extent of Indian ownership and interest; and

(iii) Evidence sufficient to demonstrate to the satisfaction of the grantee that the prospective contractor has the technical, administrative, and financial capability to perform contract work of the size and type involved.

(4) The grantee shall incorporate the following clause (referred to as a section 7(b) clause) in each contract awarded in connection with a project funded under this part:

(i) The work to be performed under this contract is on a project subject to section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)). Section 7(b) requires that to the greatest extent feasible, (A) preferences and opportunities for training and employment shall be given to Indians and (B) preferences in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned economic enterprises.

(ii) The parties to this contact shall comply with the provisions of section 7(b).

(iii) In connection with this contract, the contractor shall, to the greatest extent feasible, give preference in the award of any subcontracts to Indian organizations and Indian-owned economic enterprises, and preferences and opportunities for training and employment to Indians and Alaskan Natives.

(iv) The contractor shall include this section 7(b) clause in every subcontract in connection with the project, and shall, at the direction of the grantee, take appropriate action pursuant to the subcontract upon a finding by the grantee or HUD that the subcontractor has violated the section 7(b) clause.

(e) *Additional Indian preference requirements.* A grantee may, with prior HUD approval, provide for additional Indian preference requirements as conditions for the award of, or in the terms of, any contract in connection with a project funded under this part. The additional Indian preference requirements shall be consistent with the objectives of the section 7(b) clause and shall not result in a higher cost or greater risk of non-performance or longer period of performance.

Subpart G—Other Program Requirements

§ 571.600 General.

The requirements of 24 CFR Part 570, Subpart K—Other Program Requirements, apply to grants under this part with the modification herein stated.

§ 571.601 Nondiscrimination.

(a) Under the authority of Section 107(a)(2) of the Act, the Secretary waives the requirement that recipients comply with Section 109.

(b) A recipient shall comply with the provisions of Title II of Pub. L. 90–284 (24 U.S.C. 1301-the Indian Civil Rights Act) in the administration of a program or activity funded in whole or in part with funds made available under this part. For purposes of this section, "program or activity" is defined as any function conductd by an identifiable administrative unit of the recipient. "Funded in whole or in part with funds made available under this part" means that community development funds in any amount have been transferred by the recipient to an identifiable administrative unit and disbursed in a program or activity.

§ 571.602 Relocation and acquisition.

(a) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601), hereafter referred to as the Uniform Act, and HUD implementing regulations at 24 CFR Part 42 apply to any acquisition of real property by a State agency (defined at 24 CFR 42.85) that is carried out for an activity assisted under this part and to the displacement of any family, individual, business, non-profit organization, or farm that results from such acquisition.

(b) (1) Any acquisition of real property by a "State agency" and any displacement resulting from such acquisition of real property shall be considered to be an activity assisted under the community development block grant program and be subject to the regulations at 24 CFR Part 42 if the acquisition occurs on or after the date of the submission of the application requesting Federal financial assistance which is granted. However, if the grantee determines that an acquisition or displacement was not carried out for

an assisted activity, and the Field Office concurs in the determination, such acquisition or displacement shall not be subject to these regulations. The grantee's request for HUD concurrence shall include its certification that at the time of the acquisition it did not intend to use the property for an assisted activity along with appropriate documentation to establish that fact.

(2) With respect to acquisitions for projects assisted under this part that are not within the purview of the Uniform Act the grantee shall:

(i) Provide each property owner a written offer of the amount determined to be just compensation for the property. Just compensation shall be based upon one or more appraisals of the fair market value of the property as prepared by a qualified appraiser. However, this provision shall not prevent a person from donating real property if, prior to the donation, he/she has been fully informed of his/her right to receive just compensation;

(ii) Provide HUD the opportunity to review any acquisition price established pursuant to paragraph (b)(2)(i) of this section prior to compensation being paid to the seller;

(iii) Include in the applicable case file a justification for the acquisition payment in any case in which such payment exceeds the fair market value of the property.

(c) (1) The cost of relocation payments and assistance under Title II of the Uniform Act shall be paid from funds provided by this part and/or such other funds as may be available to the grantee from any other source.

(2) With respect to other displacement-causing activities that are assisted under this part but are not within the purview of the Uniform Act, the grantee shall adopt a uniform written policy for providing relocation payments and other assistance to ensure that displaced families and individuals obtain a safe and habitable replacement dwelling and that all persons, including families, individuals, business, nonprofit organizations and farm operations, are reimbursed for all moving and related expenses, including utility hook-up and storage costs. That policy shall also provide that:

(i) No occupant of a dwelling shall be required to move permanently from the dwelling, unless first given reasonable opportunity to relocate to a safe and habitable replacement dwelling at a monthly housing cost, including utilities, that does not exceed 30 percent of his/her gross income;

(ii) All families, individuals, business, nonprofit organizations, and farm operations to be displaced shall be provided advance information sufficient to enable them to fully understand the reason for their displacement and the relocation payments and other assistance to which they are entitled under these regulations;

(iii) In any case in which the occupant of a dwelling is required to relocate for a temporary period in order to permit rehabilitation or demolition, the temporary relocation shall not exceed 12 months in duration, a safe and habitable dwelling shall be available to the person for the period of the temporary relocation, and the grantee shall pay actual reasonable out-of-pocket expenses, including any moving costs or increase in monthly housing costs, incurred by the person in connection with the temporary relocation.

§ 571.603 Labor standards.

(a) The Secretary waives the requirement of Section 110 of the Housing and Act with respect to the Davis-Bacon Act, as amended (40 U.S.C. 276a et seq.] that laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed in whole or in part with assistance received under this part be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor.

(b) This waiver does not extend to the provisions of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333). Contractors and subcontractors shall comply with all regulations issued pursuant to that act and with other applicable Federal laws and regulations pertaining to labor standards.

(c) This waiver does not permit the grantee to set wage rates for projects funded under this part which would be considered excessive for other similar projects funded by the Tribe or another Federal entity. HUD will periodically review wage rates and take appropriate corrective action should wage rates be found to be excessive.

§ 571.604 Citizen participation.

(a) In order to permit members of Indian Tribes and Alaskan Native Villages to examine and appraise the applicant's application for funds under this part, the application shall follow traditional means of citizen involvement which, at the least, include the following:

(1) Furnishing members information concerning amounts of funds available for proposed community development and housing activities and the range of activities that may be undertaken;

(2) Holding one or more meetings to obtain the views of members on community development and housing needs. Meetings shall be scheduled in ways and at times that will allow participation by members.

(3) Developing and publishing or posting the community development statement in such a manner as to afford affected members an opportunity to examine its contents and to submit comments;

(4) Affording members an opportunity to review and comment on the applicant's performance under any active community development block grant.

(b) Prior to submission of the application to HUD, the applicant shall certify that it has met the requirements of paragraph (a), and

(1) Considered any comments and views expressed by members and, if it deems appropriate, modified the application accordingly.

(2) Made the modified application available to members.

(c) No part of this requirement shall be construed to restrict the responsibility and authority of the applicant for the development of the application and the execution of the grant. Accordingly, the citizen participation requirements of this paragraph do not include concurrence by any person or group in making final determinations on the contents of the application.

§ 571.605 Environment.

In order to assure that the policies of the National Environmental Policy Act of 1969 and other provisions of Federal law which further the purposes of such Act (as specified in 24 CFR 58.4 and 58.5) are most effectively implemented in connection with the expenditure of block grant funds, the recipient shall comply with the Environment Review Procedures for the Community Development Block Grant Program (24 CFR Part 58). Upon completion of the environmental review, the recipient shall submit a certification and request for release of funds for particular projects in accordance with 24 CFR Part 58.

§ 571.606 Housing assistance.

In those instances where a Tribe has established an Indian Housing Authority and has obtained housing assistance from HUD, its compliance with the resolution set out in 24 CFR 805, Subpart A, Appendix I, Article VII will be a

performance consideration under the Indian CDBG program.

Subpart H—Program Performance

§ 571.700 Reports to be submitted by grantee.

Grant recipients shall submit an annual status report of progress made on previously funded grants at a time determined by the Field Office. The status report shall be in narrative form addressing three areas:

(a) *Progress.* The progress in completing activities, the work remaining, changes in the implementation schedule and a breakdown of funds expended on each approved project;

(b) *Grantee assessment.* Description of the effectiveness of funded activities in meeting the recipient's community development need; and

(c) *Environment.* Status of the following:

(1) The environmental assessments and environmental impact statements prepared by the recipient;

(2) Action taken for compliance with other environment obligations.

(3) Compliance with the conditions under 24 CFR 58.34 for exempt projects; and

(4) If appropriate, environmental reviews of emergency projects under 24 CFR 58.33.

(Approved by the Office of Management and Budget under OMB control number 2506–0043)

§ 571.701 Review of recipient's performance.

(a) *Objective.* HUD will review each recipient's performance to determine whether the recipient has achieved the following:

(1) Complied with the requirements of the Act, this part, and other applicable laws and regulations;

(2) Carried out its activities substantially as described in its application;

(3) Made substantial progress in carrying out its approved program;

(4) A continuing capacity to carry out the approved activities in a timely manner; and

(5) The capacity to undertake additional activities funded under this Part.

(b) *Basis for review.* In reviewing each recipient's peformance, HUD will consider all available evidence which may include, but not be limited to, the following:

(1) The approved application and any amendments thereto;

(2) Reports prepared by the recipient;

(3) Records maintained by the recipient;

(4) Results of HUD's monitoring of the recipient's performance, including field evaluation of the quality of the work performed;

(5) Audit reports;

(6) Records of drawdowns on the Letter of Credit; and

(7) Records of comments and complaints by citizens and organizations or litigation.

§ 571.702 Corrective and remedial actions.

(a) *General.* One or more corrective or remedial actions will be taken by HUD when, on the basis of the performance review, HUD determines that the recipient has not achieved the following:

(1) Complied with the requirements of the Act, this part, and other applicable laws and regulations, including the environmental responsibilities assumed under Section 104(f) of Title I of the Act;

(2) Carried out its activities substantially as described in its applications;

(3) Made substantial progress in carrying out its approved program; or

(4) Shown the continuing capacity to carry out its approved activities in a timely manner.

(b) *Action.* The action taken by HUD will be designed first to, prevent the continuance of the deficiency; second, to mitigate any adverse effects or consequences of the deficiency; and third, to prevent a recurrence of the same or similar deficiencies. The following actions may be taken singly or in combination, as appropriate to the circumstances:

(1) Request the recipient to submit progress schedules for completing approved activities;

(2) Issue a letter of warning advising the recipient of the deficiency (including environmental review deficiencies) establishing a date for corrective actions, and putting the recipient on notice that more serious actions will be taken if the deficiency is not corrected or is repeated;

(3) Advise the recipient that a certification of compliance will no longer be acceptable and that additional information or assurances will be required;

(4) Advise the recipient to suspend, discontinue, or not incur costs for the affected activity;

(5) Advise the recipient to reprogram funds from affected activities to other eligible activities, provided that such action shall not be taken in connection with any substantial violation of 24 CFR Part 58 and provided that such reprogramming is subjected to the environmental review procedures of 24 CFR Part 58;

(6) Advise the recipient to reimburse the recipient's program account or Letter of Credit in any amounts improperly expended;

(7) Change the method of payment from a Letter of Credit basis to a reimbursement basis; and/or

(8) Suspend the Letter of Credit until corrective actions are taken.

§ 571.703 Reduction or withdrawal of grant.

(a) *General.* A reduction or withdrawal of grant pursuant to paragraph (b) of this section will not be made until at least one of the corrective or remedial actions specified in 571.702(b) have been taken and only then if the recipient has not made an appropriate and timely response. Prior to making such grant reduction or withdrawal, the recipient shall also be notified and given an opportunity within a prescribed time for an informal consultation regarding the proposed action.

(b) *Reduction or withdrawal.* When the Field Office determines, on the basis of a review of the grant recipient's performance that the objectives set forth in § 571.701(a) have not been met, the Field Office may reduce or withdraw the grant.

§ 571.704 Other remedies for noncompliance.

(a) *Secretarial actions.* If the Secretary finds a recipient has failed to comply sustantially with any provision of this part even after corrective actions authorized under § 571.702 have been applied, the following actions may be taken provided that reasonable notice and opportunity for hearing is made to the recipient. (The Administrative Procedure Act (5 U.S.C. 551 et seq.) where applicable shall be a guide in any situation involving adjudications where the Secretary desires to take actions requiring reasonable notice and opportunity for hearing.)

(1) Terminate the grant to the recipient;

(2) Reduce the grant to the recipient by an amount equal to the amount which was not expended in accordance with this part; or

(3) Limit the availability of funds to projects or activities not affected by such failure to comply; provided, however, that the Secretary may on due notice revoke the recipient's Letter of Credit in whole or in part at any time if the Secretary determines that such action is necessary to preclude the further expenditure of funds for activities affected by such failure to comply.

(b) *Secretarial referral to the Attorney General.* If there is reason to believe that a recipient has failed to comply substantially with any provision of the Act, the Secretary may refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted. Upon such a referral the Attorney General may bring a civil action in any United States district court having venue thereof for such relief as may be appropriate, including an action to recover the amount of the assistance furnished under this Part which was not expended in accordance with it, or for mandatory or injunctive relief.

(Title I, Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 et seq.); Sec. 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d))

Dated: September 21, 1982.

Stephen J. Bollinger,

Assistant Secretary, Community Planning and Development.

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federal register

Monday
December 13, 1982

Part VI

Environmental Protection Agency

Hazardous Waste Management System; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[SWH-FRL 2158-1]

Hazardous Waste Management System

AGENCY: Environmental Protection Agency.

ACTION: Notice of regulatory reform actions; request for comments.

SUMMARY: In response to Executive Order 12291 and the President's Task Force on Regulatory Relief, the Environmental Protection Agency is reviewing and reassessing the hazardous waste regulations developed under the Resource Conservation and Recovery Act (RCRA). A variety of activities are underway that will simplify procedures and reduce paperwork, modify existing regulations to make them more workable and cost effective, and control new wastes and new processes. The purpose of this notice is to inform the public of these activities and invite comments on the general approaches being taken.

DATES: Comments will be accepted until February 11, 1983.

ADDRESS: Comments may be mailed to Docket Clerk (Docket: Regulatory Reform), Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Eileen Claussen, Director, Office of Management, Information and Analysis, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C., (202) 382-4637.

SUPPLEMENTARY INFORMATION:

Notice Outline

I. Background
II. Actions To Simplify Procedures and Reduce Paperwork
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VI. Compliance With Executive Order 12291

I. Background

Pursuant to Subtitle C of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (RCRA), 42 U.S.C. 6901 *et seq.*, EPA has, over the last 2 years, promulgated regulations that establish standards for generators and transporters of hazardous waste, and for owners and operators of hazardous waste treatment, storage, and disposal facilities (TSD's). In response to many comments and suggestions made by the public, regulated industries, and State and local governments, EPA has made a number of specific changes to these regulations resulting in more cost-effective requirements. Also, in response to Executive Order 12291 and the President's Task Force on Regulatory Relief, EPA is exploring several basic and fundamental changes to the RCRA hazardous waste management program. This notice describes the status of EPA's work in this area and sets forth some of the Agency's future plans.

Throughout this regulatory analysis process, EPA will be evaluating the application of a degree-of-hazard approach where waste management standards are based upon the inherent degree-of-hazard of the waste, the management technique being used to handle the waste, and the environmental setting. The Agency is taking this opportunity to notify the public of these efforts and to ask for comment on both the general approaches it is considering, and on the specific analytical and regulatory activities planned or underway.

Section II of this Notice describes activities that will reduce and simplify paperwork and procedural requirements. This will be accomplished through a uniform national hazardous waste manifest and class permits for TSD's.

Section III describes the development of regulatory impact analyses (RIAs) for a number of existing standards, including those for hazardous waste storage, incineration, land disposal, seismic areas, floodplains and financial responsibility. Section III also describes work that EPA has initiated that will result in new regulations that will bring under RCRA control certain wastes and practices that are not currently covered by the existing regulatory structure. These include waste oil, boilers burning hazardous wastes, and additional organic chemical wastes.

Section IV describes the Agency's plans for re-examining two specific provisions in the regulations: the small quantity generator exclusion and the requirements for the reuse, recycling, and reclamation of hazardous waste.

II. Actions to Simplify Procedures and Reduce Paperwork

A. Uniform National Manifest

On March 4, 1982, in a joint rulemaking with the Department of Transportation (DOT), EPA proposed a regulation that would require the use of a nationally uniform manifest form for transportation of hazardous waste. The goal of the uniform manifest is to standardize and simplify State and Federal regulations governing the transportation of hazardous waste. Currently, industries operating in certain States must prepare multiple State manifest forms and a DOT shipping paper for each hazardous waste shipment. The uniform national manifest will incorporate all Federal and State information requirements for the transportation of hazardous waste on a single form. Under the proposed amendments, transporters would no longer be required to carry multiple forms with similar information. Standardization of information should also simplify and facilitate inspection and enforcement actions.

Two comment periods were provided on this proposed rule, the second ending on July 20, 1982. Therefore, the Agency is not now seeking additional comments on this proposal. EPA intends to issue a final rule on the uniform national manifest in early 1983.

B. Development of Class Permits

EPA is developing a new set of procedures that would allow the Agency to issue standardized permits to entire classes of hazardous waste management facilities that share common design, operating, and management features. The class permit process would be used primarily for facilities whose operating requirements are not substantially affected by location or other site-specific features. These facilities could include those treating or storing hazardous waste in tanks or containers.

The class permit approach would work as follows: EPA would identify a class of facilities that should be subject to similar design, operating, and management requirements. After notice and opportunity for public hearing, EPA would promulgate regulations describing application procedures and permit conditions applicable to this class of facilities. The Agency would then be able to issue a permit containing the standard terms and conditions to the owner or operator of any facility in the identified class.

Since most of the terms and conditions of a class permit would be established by a national regulation,

there should be a limited number and type of issues raised at individual permit proceedings. Matters at issue in the permit processing should be limited to (1) Whether the facility is a member of the identified class and (2) Whether the facility meets the requirements and conditions promulgated for that class. If there are any terms and conditions of a class permit that need to be developed on a site-specific basis, the permit proceedings would also have to consider these. However, by narrowing the focus of these proceedings, the issuance of class permits should be expedited.

The use of class permits should allow EPA to accelerate the issuance of permits to storage and treatment facilities. It should also reduce the time and paperwork necessary to prepare permit applications and should thereby result in cost savings to both the Agency and permit applicants. EPA intends to propose rulemaking for the first group of class permits in 1983.

III. Regulatory Impact Analyses (RIAs)

A. Analytical Approach

As required by Executive Order 12291, EPA is currently undertaking regulatory impact analyses (RIAs) on planned and existing hazardous waste regulations. Each RIA will include: developing a data base to profile existing management practices, costs, and potential health and environmental effects; defining the problem to be addressed by the regulation; identifying and selecting alternatives for dealing with the problem; assessing those alternatives; and analyzing costs, risks, benefits, and impacts.

In order to carry out the RIA's the Agency has developed and is now refining an analytical model which is designed to assess and compare the costs and risks of different waste management strategies. The model will assist EPA in continuing to revise its existing regulations and develop new regulations on a degree-of-hazard basis. The model will be used as a screening tool to identify those combinations of wastes, environmental settings and technologies that either pose a greater or lesser risk than the majority of combinations.

The degree-of-hazard model has a number of components. The first component is the inherent hazard of the wastes themselves. Eighty-three waste streams are scored on the basis of the inherent hazard of the constituents typically found in them. It should be pointed out that these waste stream scores are based in part on best scientific judgment and are useful primarily for comparative analytical purposes.

The environmental settings in which the hazardous constituents could be released are a second critical part of the model. Thirteen environmental settings are defined. The mechanisms by which the constituents move through or are affected by the environment, such as hydrolysis, biodegradation, and adsorption, are also accounted for in the model. This allows the waste streams to be assessed in terms of the likelihood of human exposure to their hazardous constituents and the severity of risk if such exposure occurs.

The third component of the model is the technologies commonly used to transport, treat, and dispose of hazardous wastes. Three types of transportation, 21 treatment technologies (e.g., filters presses, chemical precipitation, incineration at 99.99% destruction and removal efficiency), there types of landfills and surface impoundments (double-lined, single-lined, and unlined), and deep well injection are covered. Costs and release rates are determined for each of these technologies. Current availability of the technologies, their capacity and their proximity to sources of wastes are also considered.

The model could be used, for example, to identify those wastes that pose the greatest hazard when disposed of in landfills (the technologies) in areas with high potential for ground-water and surface-water contamination (the environmental setting). It could also be used to estimate the risk and costs of treating or disposing of these wastes through different technologies or in different environmental settings. If less risky and less costly technology and environmental combinations could be identified, a restriction on disposing of these wastes in landfills could be considered.

EPA recognizes that there are limitations in the methodology used in the degree-of-hazard model. We intend to use the model to guide more detailed analysis and not as the sole analytic effort supporting regulatory changes. While we recognize the limitations of the model, we feel that it will be useful in evaluating both regulations and new regulatory efforts.

The degree-of-hazard model has now been designed and completed, and a draft report describing the model is undergoing review by the Agency's Science Advisory Board. Copies of the draft report are available from the RCRA Hotline, (800) 424–9346 (toll free) or (202) 382–3000. The model is being refined, and the data to be entered into it are now undergoing extensive review. Initial results from the model are expected in the near future.

B. Existing Rules and Regulations

Regulatory impact analyses are being conducted for the following existing standards: land disposal, storage in tanks and containers, incineration, seismic areas and floodplains, and financial responsibility. Improving the Agency's existing data base through data collection is one of the most important tasks in the RCRA regulatory impact analysis process. The results of these data collection efforts will be analyzed in considerable detail, and will assist the Agency both in developing a more sophisticated understanding of the nature and scope of the hazardous waste problem, and in attempting to develop more cost-effective rules. To better assess existing practices, health and environmental effects, and costs for the analysis of existing rules, the Agency is conducting 236 site visits and mailing questionnaires to over 13,000 handlers of hazardous wastes.

The following discussions summarize the Agency's RIA efforts for existing regulations.

1. *Land Disposal Standards.* On July 26, 1982, EPA issued technical standards for landfills, surface impoundments, waste piles, and land treatment facilities. In the preamble to that rule, the Agency stated that it would continue to explore means of tailoring these standards to better suit specific waste management situations. To help identify opportunities for tailoring these standards, EPA is performing a study to assess the risks associated with alternative stringency levels for various classes of land disposal facilities. This analysis would differentiate facilities by type (landfill, surface impoundment), the hazards posed by the waste stream, location and size. Evaluating the costs and risks of various requirements in this framework will help the Agency identify changes that could yield a more cost effective regulation of land disposal facilities. The Agency has already identified several areas where refinement of its current standards would reduce regulatory burdens while assuring adequate protection of human health and the environment.

One area of refinement is the tailoring of standards for situations which pose either a lesser or greater risk of ground-water contamination. The Agency has identified two types of facilities, monofills and neutralization surface

impoundments,[1] from which the potential for migration of significant concentrations of hazardous constituents to ground water appears to be extremely low. The Agency believes that some of the existing land disposal standards may not be necessary for these facilities. The Agency expects to propose special standards for monofills and neutralization surface impoundments in 1983.

Study is also underway to identify specific wastes which, based on their potential hazard, should not be disposed of in landfills, or should only be disposed in landfills under specific conditions. The Agency anticipates publishing an advance notice of proposed rulemaking on this subject in 1983 identifying wastes which could be subject to such restrictions. Potential candidates are wastes that are highly persistent, mobile, or toxic in the environment.

Tailoring of standards based on locational characteristics is also being studied. As part of this effort, the Agency will determine the risks of locating land disposal facilities in particular hydrogeologic settings. This analysis should help determine whether the disposal of certain wastes in certain hydrogeological settings should be restricted, or whether design and operating standards should be relaxed for facilities in certain favorable locations.

The Agency is also evaluating the relative performance of clay vs. synthetic liners at land disposal facilities. The goal here is to identify whether there are specific situations in which the use of different types of liners will provide protection of human health and the environment in the most cost-effective manner.

2. *Storage in Tanks and Containers.* On January 12, 1981, EPA published regulations governing the storage of hazardous waste in tanks and containers. The tank storage requirements contain general operating standards and requirements for design of tanks, waste analysis, inspections, closure, and handling of reactive, ignitable, and incompatible wastes. The container requirements include general operating procedures and specific standards for containment, compatibility, and closure as well as a general performance standard for the condition of containers.

The first task in the RIA for storage in tanks and containers, profiling the existing universe, has largely been completed. The Agency has found that the majority of these facilities are operated by generators and are small in size.

The Agency is also evaluating the risks to human health and the environment from facilities of various configurations and waste types. Through the study of damage cases the Agency has discovered that the majority of spills are caused by ancillary equipment (pipes, valves, pumps, etc.) and operator error.

In evaluating the impact of waste type, the Agency has found that handling hazards (e.g., fires and explosions) can be distinguished from contamination hazards. For example, corrosive, ignitable, and reactive wastes present the greatest risks in handling, while the major risk from toxic wastes is the potential for ground-water contamination if a spill occurs. These findings will be used in determining the feasibility of tailoring standards on the basis of waste type. Revised regulations for storage and treatment facilities will be proposed in 1983, probably in the form of class permit standards for certain storage and treatment operations.

3. *Incineration Standards.* The incineration standards promulgated on January 23, 1981 and June 24, 1982 require all incinerators to meet a performance standard of 99.99% destruction and removal efficiency (DRE) for designated hazardous constituents, and establish performance limits for HC1 and particulates.

Incineration RIA efforts to date have focused on profiling the universe of existing facilities and verifying the achievability and cost of the current DRE standard for existing facilities. The findings of the first task indicate that most incineration facilities are small. Initial dispersion modeling suggests that the potential for adverse environmental impact from these small facilities is less than that for larger facilities, which represent most of the existing incinerator capacity. Test burns and case studies are now being conducted as part of the second task.

The Agency is also evaluating the costs and risks associated with alternate DRE levels, using dispersion models and health effects data for substances emitted from stacks. The Agency will use these findings to determine whether the current standards should be further tailored to reduce regulatory burdens while assuring adequate protection to human health and the environment.

EPA proposed a variance procedure as a part of the January 23, 1981 rule (45 FR 7634) because the DRE performance standard does not account for site-specific factors such as waste characteristics, incinerator design, and location. As a result, the DRE performance standard may be either more or less stringent than necessary for protecting human health and the environment. In its June 24, 1982 notice (47 FR 27518), EPA stated that it expected its RIA to provide valuable information on the extent to which its current performance standard is over protective or under protective. EPA intends to use this information to tailor the standards or to develop a variance procedure to provide appropriate levels of performance for different classes of facilities.

4. *Seismic Areas and Floodplains.* On January 12, 1981, EPA published regulations that addressed location of hazardous wastes in 100-year floodplains snd in holocene fault seismic areas. The seismic regulation specifies that *new* hazardous waste facilities must not be located within 200 feet of designated faults. Under the floodplain standard, new and existing facilities located in a 100-year floodplain must be designed, constructed and operated to prevent washout by a 100-year flood.

As a result of its RIA efforts, the Agency has found that less than 3 percent of all hazardous waste facilities are located with 200 feet of holocene fault; however, a significant percentage of facilities are located within a 100-year floodplain. Through the RIA for floodplains, the Agency will determine whether it is feasible to further tailor the floodplain standard to account for different waste types, facility sizes, and waste management configurations.

As part of the RIA for seismic areas, the Agency is evaluating whether ground shaking and ground failure events, which are not currently addressed by the seismic area standard, could damage hazardous waste management facilities, and if so, what are the associated risks to human health and the environment. To this end, the Agency is currently conducting analyses of damage probabilities, to be followed by a determination of exposure pathways and risks. The Agency will consider amending the seismic area standard to cover these events if the findings of this study indicate such control is necessary.

5. *Financial Responsibility Regulations.* The current regulations require owners and operators of hazardous waste management facilities to submit evidence of financial responsibility for the proper closure and post-closure care of the facility. They also require owners or operators to

[1] These facilities are described in greater detail in the preamble to the July 26 land disposal standards. See 47 *FR* 32280 (July 26, 1982).

submit evidence of liability coverage for sudden accidental occurrences. Owners or operators may choose from a variety of methods to demonstrate compliance with these requirements.

The Agency is evaluating several changes to the financial responsibility regulations to make them more flexible. The options under investigation include:

- Average vs. Maximum Closure Cost Estimate: Under the present regulations, estimated closure costs (for which financial responsibility must be shown) must be based on the cost of closure at the "maximum extent of active operations" at the facility. Study is underway to determine the risks and benefits of allowing assurances based on "average extent of active operations."
- Financial Test for Small Owners and Operators: The current regulations include a financial test which is useable only by large companies. Firms which pass the financial test are not required to obtain one of the other financial instruments (e.g., trust funds, surety loans, letters of credit) in order to demonstrate financial responsibility. The Agency is examining the feasibility of devising an effective financial test for smaller companies.
- Computer Financial Test Data Systems: In an effort to reduce the amount of information owners or operators must submit to use the financial test, the Agency is considering use of a computerized system that draws on data submitted by the owner or operator to the Securities and Exchange Commission. Use of such a system could provide the Agency with more current information and enable it to monitor compliance with the financial regulations more efficiently.
- De Minimis Exemption from Closure Financial Assurance: Some facilities may have such low closure cost estimates and may pose such a low risk if closure is delayed that the costs for these facilities of financial assurances for closure may be disproportionately high. The Agency is undertaking a study which will analyze the range of cost estimates and evaluate whether a category of facilities with cost estimates below a cut-off point can be identified as posing a de minimis risk.
- Risk Retention Groups: Some trade associations and other groups form insurance pools to cover risks. The Agency is examining the obstacles to and advantages and disadvantages of formation of such pools by owners and operators to cover third-party and other liabilities. Such risk retention pools may involve considerable savings, particularly for smaller operators.

In addition to these possible areas of reform of existing financial responsibility regulations, the Agency is also considering the need to establish financial instruments to assure funds for any corrective action required to be taken to comply with the ground-water protection standards promulgated on July 26, 1982, as part of the land disposal standards. The Agency has previously requested comments on this issue. (47 FR 32274, July 26, 1982.)

C. Regulation of New Wastes and Processes

In addition to its review of existing hazardous waste regulations, the Agency is also conducting RIA's in a number of areas which may lead to the regulation of several new wastes and processes not currently covered by the hazardous waste standards. These new areas include the burning of hazardous waste in boilers, control of waste oil, and listing and control of additional organic chemical and other wastes.

As with the RIA's for the existing rules, one of the major tasks associated with the RIA's for new wastes and processes will be the collection of data to aid the Agency in defining existing practices and identifying areas where regulation is appropriate. This data collection effort will include site visits and questionnaires.

The Agency anticipates that, as a result of the RIA's for these new areas, additional regulatory controls will be proposed. Where possible, these controls will be tailored to specific waste management situations. The major focuses of the RIA's for new wastes and processes are discussed below.

1. *Waste Oil.* Nationwide, waste oil is generated by thousands of sources, and is collected, processed, and sold or used by at least 1000 firms, many of which are small businesses. Under the Used Oil Recycling Act, EPA is required to promulgate regulations for the control of waste oil. EPA is conducting a regulatory impact analysis in order to investigate the risks posed by waste oil management, evaluate the need for waste oil regulations, and consider various regulatory approaches tailored to deal with specific problems. The Agency expects to complete this analysis by the end of 1983.

Specifically, EPA is evaluating the following waste oil management methods:

- Burning for fuel, particularly in small boilers such as those found in apartment and office buildings. EPA is sponsoring a series of test burns in these types of boilers to charcterize the resulting emissions and their impact on air quality when waste oil is used as fuel.
- Use as a dust suppressant (e.g., road oiling). Some adulterants found in waste oil are ignitable, and may pose a fire hazard during road oiling; others are volatile and toxic and may present health risks. As part of the RIA effort, the Agency is gathering additional information on road oiling practices, existing State laws and regulations, and past damage incidents.
- Improper storage, transportation, and disposal. EPA is performing risk analyses on the environmental problem associated with improper handling of waste oil and the potential for ground-water and surface-water contamination.

2. *Boilers.* Although hazardous waste is exempt from RCRA regulation when being legitimately recycled for energy recovery purposes, the burning of some hazardous wastes in certain boilers could result in unacceptable levels of hazardous emissions.

The RIA for boilers will define the waste types (or constituents) and boiler types (by size, design, etc.) that require regulatory control, and the most appropriate type of control. As part of the RIA process, the Agency is testing a variety of boiler and waste combinations to determine the actual performance (degree of waste destruction) of boilers burning hazardous waste. The Agency expects to find significant variation based on differences in temperature, residence time, and turbulence.

After the testing of stack emissions is completed, dispersion models and health effects data will be used to define the relative risks posed by various boilers burning hazardous wastes. This will lead to comparison of the costs and benefits of possible alternative tailored regulatory approaches. The Agency expects to complete the RIA for boilers by early 1984.

3. *Listing and Control of Organic Chemical and Other Wastes.* EPA is conducting a program of detailed industry analyses aimed at identifying hazardous wastes that are currently not regulated. The first industries to be analyzed are primarily components of

the organic chemicals industry, the source of roughly 60 percent of the Nation's hazardous waste. Specific industry components under study are: pesticide production; dyes and pigments production; chlorinated organics production; other organic chemicals production; and, outside the organic chemicals industry, lead acid battery production.

The industry studies effort consists of a waste characterization component and a waste management assessment component. Waste characterization involves the sampling and analysis of waste streams from particular industries or industry segments to determine whether additional wastes should be listed as hazardous wastes. Currently, only a portion of organic chemical industry wastes that may be hazardous are listed. The second component—waste management—is directed toward compiling and analyzing waste management alternatives for wastes studied under the waste characterization effort. This work will include analysis of the risks and benefits of particular control strategies for the wastes in question. This will allow the Agency to determine how these new wastes should be controlled. The Agency also hopes to identify treatment options that will reduce the hazards posed by management of these wastes.

The Agency has completed waste characterization for chlorinated organics and expects to complete pesticide characterization early in 1983. Characterization is underway on a number of other segments, and will continue, at least through 1984. The waste management assessment for chlorinated organics will be completed during 1983.

4. *Volatile Emissions From Hazardous Waste Disposal Units.* The Agency has not yet promulgated RCRA standards for volatile air emissions from hazardous waste disposal facilities. However, in the preamble to the July 26, 1982 land disposal standards, the Agency stated that it is exploring the need for volatile emissions standards. As part of this effort the Agency will be reviewing past damage incidents, conducting field sampling, and using dispersion modeling techniques to determine the circumstances in which volatile emissions from hazardous waste disposal units pose a threat to human health or the environment. The results of these studies will be used in determining the need for additional regulatory action to control air emissions from such facilities.

IV. Evaluation of Specific Provisions

A. Reuse, Recycling, and Reclamation

The present regulations divide "recycled hazardous wastes" into two classes. Those which are listed in the regulations (40 CFR 261.31 and 261.32) or are sludges are regulated for storage and transportation only. Those which are neither sludges nor listed wastes are currently excluded from regulation.

The definition of solid waste and the management standards for recycled hazardous waste are being revised to overcome some of the gaps and ambiguities in the existing regulations. In general, the revised solid waste definition will include those materials (and waste management activities) which fall within EPA's authority under RCRA. The new solid waste definition will also encompass, and thus regulate, recycling activities where the materials will be:

- Used in a manner constituting disposal;
- Used as a component of, or as fuel;
- Reclaimed off-site;
- Accumulated in large quantities without sufficient amounts being recycled; or
- Accumulated in speculation of future recycling.

Waste management standards will be proposed for some recycled hazardous wastes. Other recycling activities will be excluded; however, these may be subject to future regulatory action. Specific management standards will be developed for particular recycling activities, including those involving use constituting disposal. EPA plans to issue a proposed rule revising the definition of solid waste as it pertains to recycling by early 1983.

B. Small Quantity Generators

In May 1980, EPA promulgated a regulation exempting small quantity generators (generating less than 1000 kilograms per month) of hazardous waste from certain parts of the RCRA program. At that time, the Agency expressed its intention to examine this issue in greater detail. The Agency is now initiating a study which will lead to the identification of alternative schemes for regulating small generators' wastes.

The Agency will begin by studying selected industries which are representative of small quantity generators, evaluating the type and quantity of waste produced and number of generators. The Agency will then profile selected industries to identify current waste managememt practices (including treatment and use, re-use, recycling, and recovery practices), and waste management costs. These profiles will also indicate the extent to which small quantity generators are already complying with full RCRA controls. The next step will be to assess the hazards posed by management of waste generated by small quantity generators within certain industries, focusing on what types of risks are associated with which wastes.

The Agency will also examine the experiences of States that have reduced their exemption level for small generators below the 1000 kilograms per month level now in force in the Federal RCRA program. Specifically, the Agency will look at the administrative feasibility of monitoring and enforcing a lower exemption level and whether the small generator program in these States reduces the effectiveness of efforts to control larger generators.

The information collected through these tasks will be used to identify a range of regulatory options for controlling small generators' wastes and assessing the risks and benefits of these options.

V. Request for Comments

Except where indicated, EPA invites comments on all aspects of the activities described in this Notice.

VI. Compliance with Executive Order 12291

This notice was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Dated: December 7, 1982.

John W. Hernandez Jr.,

Acting Administrator.

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December 13, 1982

Part VII

Department of Agriculture

Federal Crop Insurance Corporation

Agency Sales and Service Agreement; Rules

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 400

General Administrative Regulations—Standards for Approval; Agency Sales and Service Agreement

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Interim rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby issues a new part in Chapter IV of Title 7 of the Code of Federal Regulations, effective January 1, 1983 and applicable with the Spring 1983 and succeeding crop years, prescribing certain financial standards and financial information reporting requirements applicable to all Agency Sales and Service Agreements, to be known as 7 CFR Part 400—General Administrative Regulations—Subpart C Standards for Approval; Agency Sales and Service Agreements.

The intended effect of this rule is to establish financial standards and financial reporting requirements applicable to private entities entering into Agency Sales and Service Agreements with FCIC.

DATES: Effective January 1, 1983.

Comment: Written comments, data, and opinions on this interim rule must be submitted not later than February 11, 1983, to be sure of consideration.

Address: Written comments on this interim rule should be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone (202) 447–3325.

The Impact Statement describing the options considered in developing this interim rule and the impact of implementing each option is available upon request from Peter F. Cole.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512–1 (June 11, 1981).

Information collection requirements contained in the regulations under which crop insurance policies are sold (7 CFR Parts 402 et seq.) by those holding approved Agency Sales and Service Agreements, have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos 0563–0003 and 0563–0007.

Merritt W. Sprague, Manager, FCIC, has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses or other persons, and (3) this action conforms to the provisions of the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 et seq.), and other applicable law.

The title and number of the Federal Assistance Program to which the regulations governing the policies of crop insurance sold under an Agency Sales and Service Agreement applies are: Title—Crop Insurance; Number 10.450.

It has been determined that this action to promulgate standards for approval applicable to the entities entering into Agency Sales and Service Agreements with FCIC, constitutes a review as to need, currency, clarity, and effectiveness under the provisions of Secretary's Memorandum No. 1512–1 (June 11, 1981). The sunset review date established for these regulations is September 17, 1987.

It has also been determined that this action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Impact Statement was prepared.

This action will not have a significant impact specifically upon area and community development; therefore, review as established in Executive Order No 12372 (July 14, 1982) was not used to assure that units of local government are informed of this action.

Merritt W. Sprague, Manager, FCIC, has determined that an emergency situation exists which warrants the implementation of this rule without a prior 60-day comment period because the Agency Sales and Service Agreements for the Spring 1983 and succeeding crop years, to which these standards for approval apply, must be issued shortly and must be signed by those private entities entering into the agreements with FCIC. The Standards for Approval contained herein must be complied with by those companies before FCIC will accept an Agency Sales and Service Agreement; therefore, there would not be sufficient time to permit comment on this rule prior to its implementation.

In addition, the general public is not affected by this rule as it would be in the case of a crop insurance policy amendment; therefore, comments are not sought from them but rather from approximately 60 private entities FCIC expects to enter into the agreement. FCIC is soliciting comment for 60 days after the publication of this interim rule. The rule will be scheduled for review so that any amendment made necessary by comments received may be published in the **Federal Register** as soon as possible. All written comments made pursuant to this rule will be available for public inspection in the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., during regular business hours, Monday through Friday.

The Standards for Approval contained in this rule become effective on January 1, 1983 for the 1983 and succeeding crop years and are applicable to the Agency Sales and Service Agreements for the Spring 1983 and succeeding crop years, which is or will be published as a notice to provide the terms and conditions of the Agency Sales and Service Agreements effective for the 1983 Spring crop sales.

List of Subjects in 7 CFR Part 400

Administrative practice and procedure, Agency sales and service agreements, Application and plan of operation, Crop insurance, Individual yield coverage, Standards of approval.

Iterim rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby adds a new Subpart C to Part 400 of Title 7 of the Code of Federal Regulations, effective January 1, 1983 for the Spring 1983 and succeeding crop years; and also amends Subpart B published at 47 FR 15345, November 15, 1982 as set forth below:

PART 400—[AMENDED]

1. Subpart B to Part 400 is amended by redesignating §§ 400.1—400.6 as §§ 400.15—400.25, respectively.

2. New Subpart C is added to Part 400 to read as set forth below:

PART 400—GENERAL ADMINISTRATIVE REGULATIONS

* * * * *

Subpart B * * *

Subpart C—Standards for Approval—Agency Sales and Service Agreement; Regulations for the Spring 1983 and Succeeding Crop Years

Sec.

400.27 Applicability for Financial Standards.
400.28 Definitions.
400.29 Certification of submissions.
400.30 Notification of deviation from Financial Standards.
400.31 Revocation, nonacceptance, and transfer of business.
400.32 Qualifications for acceptability.

Sec.

400.33 Qualifications less than acceptable.
400.34 Financial Statement; acceptance.

Authority: Secs. 506, 507, Pub. L. 75–430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1507).

Subpart C—Standards for Approval—Agency Sales and Service Agreement; Regulations for the Spring 1983 and Succeeding Crop Years

§ 400.27 Applicability of Financial Standards.

The Financial Standards contained herein shall be applicable to Agency Sales and Service Agreements effective for the Spring 1983 and subsequent crop year sales.

§ 400.28 Definitions.

For the purpose of these Financial Standards:

(a) "Adverse opinion" means an opinion by a CPA which states that the financial statements do not present fairly the financial position, results of operations, or changes in financial position of the reporting entity in conformity with generally accepted accounting principles.

(b) "Agency Sales and Service Agreement" also known as "Master Marketing Agreement", means the contract between the Federal Crop Insurance Corporation (FCIC) and a private entity (Agency) for the purpose of selling and servicing FCIC crop insurance contracts.

(c) "CPA" means a Certified Public Accountant who is licensed as such by the State in which he/she practices.

(d) "CPA Audit" means a professional examination meeting certain standards on the basis of which the auditor expresses an independent professional opinion respecting the fairness of presentation of the financial statements.

(e) "CPA review" means that, under the standards of the American Institute of Certified Public Accountants, a limited assurance is given stating that the auditor is not aware of any material modification that should be made to the financial statement in order for it to be in compliance with generally accepted accounting principles.

(f) "Current assets" means assets, including cash, that are reasonably expected to be realized in cash or sold or consumed during the normal operating cycle of the business or within one year if the operation cycle is shorter than one year.

(g) "Current liabilities" means current liabilities including those expected to be satisfied by either the use of assets classified as current in the same balance sheet, or the creation of other current liabilities, or those expected to be satisfied within a relatively short period of time, usually one year.

(h) "Disclaimer of opinion" means the opinion by a CPA auditor which states clearly that the auditor does not express an opinion on the financial statements.

(i) "Financial statement" means the document(s) submitted to FCIC by an Agency applying for an Agency Sales and Service Agreement which have been audited or reviewed by a CPA for the most recent fiscal year and which most accurately reflects the financial position, result of operations, and change in financial position of the applicant.

(j) "Qualified opinion" means an opinion by a CPA which states that "except for" or "subject to" the effects of the matter to which the qualification relates, the financial statement presents fairly the financial position, result of operations, and change in financial position in conformity with generally accepted accounting principles.

(k) "Unqualified opinion" means the opinion of a CPA auditor which states that the financial statements present fairly the financial position, result of operations, and change in financial position in conformity with generally accepted accounting principles.

(l) "Waiver" means the approval given by FCIC to waive the requirements of the Financial Standards when the agency submits a plan to eliminate a deficiency in the agency's financial position.

§ 400.29 Certification of submissions.

A financial statement submitted to the Corporation by an agency shall be certified by a CPA following an audit conducted by the CPA in accordance with generally accepted accounting principles. If a new agency (newly organized and in business less than one year) wishes to contract with FCIC under an Agency Sales and Service Agreement, and a CPA audit is not possible, then a review of the financial statement is required. The review will be accompanied by a signed statement from the Chief Executive Officer and the Treasurer of the agency certifying that the financial statement fairly represents the financial condition of the agency on the date the review is conducted.

§ 400.30 Notification of deviation from Financial Standard.

An agency with an Agency Sales and Service Agreement with the Corporation shall advise the Corporation immediately if the agency deviates from the compliance requirements of the Financial Standards. The Corporation may require the agency to update its financial statement during the year if the Corporation determines that such submission is necessary. If such deviation is not corrected in a reasonable time, as determined by the Corporation, the Corporation may implement the provisions of § 400.31 of this part.

§ 400.31 Revocation, nonacceptance, and transfer of business.

An agency will be denied an agreement if (a) the financial statement is not in compliance with the provisions of the Financial Standards contained herein, (b) the financial statement has not been certified by a CPA in cases where a CPA audit is required, (c) in cases other than a CPA audit, the financial statement is not certified by the Chief Executive Officer and the Treasurer in accordance with the provisions of § 400.29 of this part, or (d) material false and misleading statements have been made in preparation of the financial statement, or any data contained therein in an effort to secure an Agency Sales and Service Agreement. Violation of the provisions contained in this subsection shall also be the grounds for revocation of an existing Agency Sales and Service Agreement, whether such violations are discovered during the process of filing an application for, or after the issuance of, an Agency Sales and Service Agreement. In the event of revocation of an agreement between the agency and the Corporation, all crop insurance contracts secured by the agency, and all other business pertaining thereto, shall be transferred to another agency under rules prescribed by the Corporation. A disclaimer of opinion by a CPA relative to a financial statement submitted by an agency shall be reason to deny such agency an Agency Sales and Service Agreement.

§ 400.32 Qualifications for acceptability.

In the absence of other adverse information, an agency will be acceptable if the ratio of current assets to current liabilities exceeds 1.2 to 1 and current assets exceed current liabilities by an amount equal to at least 3 percent of anticipated volume for the period covered by the annual plan of operation. In the absence of other adverse information, if the applicant agency's financial position is considered by the Corporation to be less than acceptable, FCIC may, upon presentation and acceptance by the Corporation of a plan determined by the Corporation to be satisfactory to eliminate deficiencies in the financial position of the agency, grant a waiver of the provisions of the Financial Standards under the provisions of § 400.33 of this part.

§ 400.33 Qualifications less than acceptable; waiver.

If a CPA issues an adverse or qualified opinion, the Corporation may grant a waiver when the agency submits a plan determined by the Corporation to be satisfactory in correcting the situation or deficiency causing the adverse or qualified opinion. Notwithstanding the provisions of § 400.31 of this part, the Corporation may also grant a waiver of the Financial Standards when the agency submits a plan determined by the Corporation to be satisfactory to eliminate the deficiency causing the agency's financial statements to be less than acceptable. In such cases, consideration will be given to:

(a) Proof of letters of credit which, when added to other current assets of the agency, result in a ratio of current assets to liabilities in excess of 1.2 to 1 and an excess of current assets over liabilities sufficient to cover operating expenses, or 3 percent of anticipated premium volume for the next year, whichever is greater.

(b) An agency obtaining errors and omissions insurance from a carrier of the agency's choice at the agency's expense.

(c) Guarantees in the form of agreements between the agency and principals of the agency or between the agency and a company which has the working agreement with the agency to assume financial responsibility in the event of the failure of the applicant agency to meet financial obligations.

(d) Cash flow projections which demonstrate the ability to meet current operating expenses for the period covered by the plan of operation.

(e) Other information relative to the historical experience of the applicant agency and/or principals with credit and financial institutions.

§ 400.34 Financial Statements; acceptance.

The Corporation will accept the financial statement as of the end of the most recent fiscal year, unless the agency prefers to provide a later interim financial statement.

Done in Washington, D.C., on December 9, 1982.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: December 9, 1982.

Merritt W. Sprague,

Manager.

[FR Doc. 82-33937 Filed 12-10-82; 8:45 am]

BILLING CODE 3410-08-M

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7 CFR Part 400

Agency Sales and Service Agreement

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Rule related notice.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) herewith publishes this notice to provide, for the information of interested parties, the Agency Sales and Service Agreement (FCIC–455), the Application and Plan of Operation Forms, which becomes effective, upon execution by FCIC and a private insurance company seeking such agreement to sell crop insurance for FCIC, starting with the 1983 spring crop sales.

The Standards for Approval for the Agency Sales and Service Contract are published elsewhere in this **Federal Register**, as an Interim Rule which prescribes certain financial standards and financial information reporting requirements applicable to all Agency Sales and Service Agreements and to entities entering into such Agency Sales and Service Agreements with FCIC.

ADDRESS: Written comments on this notice may be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447–3325.

SUPPLEMENTARY INFORMATION: Section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1501 *et seq.*), as amended by Pub. L. 96–365 (September 26, 1980), authorizes and directs the Federal Crop Insurance Corporation, to the maximum extent possible, to contract with private insurance companies for the purpose of selling Federal Crop Insurance.

The purposes of this notice are:

1. To offer for publication inspection, for the information of private insurance companies and the general public, the terms and conditions of the Agency Sales and Service Agreement, the Application and Plan of Operation.

2. To reference the publication of the Standards for Approval of the Agency Sales and Service Agreement, published elsewhere as an Interim Rule which sets out the terms and conditions of required financial standards and financial information reporting.

This notice does not set out the documents referred to in Section 27 dealing with disbarment, nor the provisions contained in Appendix 1, since these documents are lengthy; however, copies will be made available to serious qualified applicants for Agency Sales and Service Agreements.

Any interested party is invited to comment on the terms and conditions of the Agency Sales and Service Agreement, the Application and Plan of Operation contained in this notice. FCIC will consider all suggestions and may choose to publicly offer an additional or amended agreement or related documents for subsequent crop years incorporating suggested changes.

List of Subjects in 7 CFR Part 400

Administrative practice and procedure, Crop insurance, Agency sales and service agreement, Application and plan of operation, Individual yield coverage, Standards of approval.

Note.—FCIC–455—Agency sales and service agreement will not appear in the Code of Federal Regulations.

BILLING CODE 3410-08-M

FCIC-455
(REV. 12-82)

UNITED STATES DEPARTMENT OF AGRICULTURE
FEDERAL CROP INSURANCE CORPORATION

AGENCY SALES AND SERVICE AGREEMENT

FOR___19___ AND SUCCEEDING CROP YEARS

☐ Tax

☐ S.S. _____
(IDENTIFICATION NUMBER)

_____ _____ _____
(NAME) AGENCY CODE DESIGNATED AREA

_____
(STREET OR MAILING ADDRESS)

_____ _____ _____
(CITY AND STATE) (ZIP CODE) (AGENCY TELEPHONE NUMBER)

The Federal Crop Insurance Corporation ("Corporation") hereby appoints the entity identified above ("Agency") as an agency for administering, selling, and servicing of Federal Crop Insurance policies within the area designated on this agreement according to the provisions of 7 U.S.C. 1507 (c).

I The Corporation and the Agency hereby agree that such appointment shall be subject to the following terms and conditions:

1 The Agency is required to submit a plan of operation annually (by the date specified in section 23 for notice of cancellation) containing the information required by the Corporation whereby it agrees to:

(a) Utilize agent organization to adequately perform the duties prescribed by this agreement;

(b) Provide necessary and prescribed training for sales and service duties;

(c) Supervise the work of Agency Representatives to assure acceptable sales volume and timely service to insured farmers;

(d) Conduct field level review of completed work to ensure that (a) through (c) above are in compliance with procedures and instructions issued by the Corporation;

(e) Designate a person as liaison to work with each field operations office in whose territory the Agency functions. The Agency agrees that the liaison will devote the amount of time and effort necessary to assure proper coordination and implementation of working procedures to assure proper performance of the duties specified in this agreement; and

(f) Have a minimum of 25 active certified agents within 30 days of the approval date of the initial plan of operation and maintain such an agent force for the life of the agreement.

2 The plan of operation and amendments thereto when approved by the Corporation are made a part of this agreement as though set out in full herein and may be changed upon agreement between the Corporation and the Agency. The Agency may not perform under this contract for any crop year until a plan of operation for that crop year has been approved by the Corporation. Failure to timely submit a completed plan of operation will be notice to the Corporation under the provisions of section 23 of the Agency's intent to cancel the agreement.

3 All provisions of this agreement must be in accordance with the regulations of the Corporation published in 7 CFR and the statutes of the United States. Under the Anti-deficiency Act, this agreement is subject to the availability of funds.

4 Employees of the Agency, commercial or selling agencies affiliated with the Agency and agents of the Agency (collectively referred to hereinafter as "Agency Representatives") are not employees but are sub-agents of the Corporation. Therefore, the Agency and the Corporation exercise control over Agency Representatives to ensure that they adhere to and abide by all restrictions and guidelines imposed upon the Agency by the Corporation.

5 The Agency and its representatives must become licensed to the extent required by the applicable state laws for the sale of crop insurance where they conduct or solicit business before either the Agency or Agency Representatives begin sales activity for the 1984 crop year. The Agency will, at the beginning of each crop year, certify to the Corporation full compliance with this section.

6 The Agency shall take all actions necessary to sell and service crop insurance including, but not limited to, soliciting applications and acreage reports; counseling applicants on details of coverage, acreage reports, and procedures to adjust losses; accepting notices of crop damage or loss, notices of cancellation, farmer paid premiums, assignments of indemnity, and transfers of right to indemnities for crop insurance; assisting farmers in the reporting of claims; previewing, coding, and batching documents for data entry; and resolving document errors according to rules, regulations and instructions furnished from time to time by the Corporation. In the solicitation and servicing of crop policies, the Agency agrees not to discriminate against any producer because of race, color, age, religion, national origin, sex, marital status, or handicap.

7 The Agency shall assist policyholders in the preparation of their acreage reports. During the growing season, the Agency shall contact, by telephone or personal visit, at least 20 percent of the policyholders to review and refresh their understanding of the role of crop insurance in good risk management as well as important provisions of the policy, such as the date when the policy automatically renews, the time for reporting a loss and the filing of a claim, protection guarantees, availability of the policy for assignment for loan purposes or assignment

of indemnity, etc. The Agency shall report to the Corporation, upon request, the results of these contacts, indicating the number contacted as well as the number of acreage reports taken in person and the number of policies canceled for the subsequent crop year.

8 All of the services required by this agreement shall be conducted in a manner set forth in procedures issued by the Corporation or in the absence of such procedures, in accordance with good business practice.

9 Training Requirements: (a) key agency personnel may be required to successfully complete (as determined by the Corporation), at Agency expense, 40 hours of prescribed training the first year and 20 hours annually, thereafter; (b) the individual Agency Representatives may be required annually to successfully complete (as determined by the Corporation) at their expense, 20 hours of Corporation-approved training for each crop or group of similar crops that they will sell or service. This training may be provided by the Corporation and successful completion will result in certification on a crop basis by the Corporation. Certification requires successful passage of a examination administered by the Corporation. Certification may be cancelled by the Corporation at the end of any crop year if the Corporation determines that policy changes render previous certification invalid.

10 If the Agency provides the training for the Agency Representatives as set forth in Section 9(b), the Agency shall certify to the Corporation that Agency Representatives were or will be trained and certified according to the Corporation-approved training plan before such individuals function independently.

11 The Agency agrees that only Corporation certified Agency Representatives will be used to sell and service crop insurance and may not allow other persons in their employ to sell or service contracts under this agreement unless they are certified. Agency Representatives will only sell and service contracts for crops for which they are certified. Selling is defined to include quoting crop coverage and premium rates to a prospect for insurance.

12 The Agency shall, as may be required by the Corporation, keep such records and make such reports in an accurate and current manner of all activities related to the performance of this agreement. All work performed by the Agency will be subject to Corporation review for accuracy and timeliness of service.

13 All information and materials maintained by the Agency in files relating to policyholders are the property of the Corporation and are subject to release to or review by the Corporation upon demand. The Agency further agrees to submit for re-examination of any and all information furnished when requested, and must respond to any questions which may arise as a result of information furnished to the Corporation by the Agency. Policyholder files shall be maintained in local agents' offices.

14 The Corporation shall be responsible for the initial and subsequent billing of crop insurance premiums. If the insured pays the Agency, the Agency shall transmit to the Corporation, in full, all sums collected for the Corporation. The Agency shall not commingle Corporation funds with any personal funds or any other funds under the Agency's control. Nothing, however, prohibits the Agency from pursuing collection efforts on its own initiative before, during, and after the Corporation's billing process.

(a) Insureds shall be requested to make checks in payment of any funds due the Corporation payable to Federal Crop Insurance Corporation. If the Agency receives a check payable to the Agency that is for funds due the Corporation then such check shall be endorsed as follows: "Pay without recourse to the order of Federal Crop Insurance Corporation (Signature)." Cash collections shall be converted to money orders or bank draft check(s), made payable to the Federal Crop Insurance Corporation. Collections shall be transmitted on a daily basis when possible to Federal Crop Insurance Corporation, P.O. Box 462, Kansas City, Missouri 64141, or,

(b) If the Agency is paid in cash, the Agency may deposit such cash in an account exclusively for deposit of cash premium collection; provided,

(1) the account is in the name of the Federal Crop Insurance Corporation, U.S. Department of Agriculture,

(2) the account is with an institution insured by the Federal Deposit Insurance Corporation,

(3) records of the account are available for audit by FCIC at all times,

(4) funds in the said account shall be transmitted on a weekly basis to the Federal Crop Insurance Corporation, P.O. Box 462, Kansas City, Missouri 64141,

(5) a clearly documented amount of personal funds has been deposited in said account by the Agency for the purpose of maintaining a minimum balance, and

(6) the Agency shall not withdraw such personal funds until this agreement has been terminated and the Corporation has furnished a written release.

(c) The Corporation shall notify the Agency of unpaid premiums before the termination date of the policy, and the Agency shall use its best efforts to effect collection.

15 The Agency shall display appropriate program identification, in a conspicuous manner clearly visible to the general public, identifying the Agency as an authorized representative of the Corporation, keep accurate records of all activities performed under this agreement and report information, the form and manner of which shall be prescribed by the Corporation. In addition, the Agency shall keep on file and available to applicants for insurance and policyholders such additional records as are furnished by the Corporation for that purpose. The Corporation, the General Accounting Office and any other Federal Agency authorized by law to do so, may at any reasonable time examine and audit the Agency's records. The Agency agrees to retain these records and keep them available for review for three years after termination of this agreement or after the record is closed.

16 The Agency, its agency representatives, officers, employees, and major stockholders shall not

engage in loss adjustment activity for the Corporation during the life of this contract or within one year after this agreement is cancelled or within one year after all association with the Agency has been terminated.

17 The Agency shall not engage in any practice, perform in any manner, print, publish or use any advertising that makes direct reference to Federal Crop Insurance Corporation and/or the United States Department of Agriculture or their symbols or abbreviations, except that which is furnished to the Agency or approved in writing by the Corporation.

18 The Corporation may modify or terminate this agreement at any time, upon giving the Agency at least 30 days advance notice, (1) if the Agency's performance on sales quality and volume, servicing or office facilities is deemed unsatisfactory by the Corporation, (2) if the Agency fails to maintain the minimum of active certified agents required, or (3) if the Agency fails to remain in compliance with established financial standards. In the event the Corporation terminates the agreement under this section, the Agency may write new policies up until the date of termination; shall continue to service existing policies for the remainder of the current growing season; and shall be entitled to full compensation for the sale or renewal of these policies for that crop year.

19 The Corporation will provide the Agency indemnification, including costs and reasonable attorney's fees for errors or omissions on the part of the Corporation or its contractors for which the Agency is sued or held liable except to the extent the Agency has caused, or allowed to be caused, the error or omission. Conditions precedent to payment of any amount under this clause are: that the Agency immediately notify the Corporation of any such action or proceeding; that the Corporation, at its option, be allowed to participate in any such action or proceedings on the part of the Agency; that the Agency present all good faith defenses available to it or as directed by the Corporation; that the Agency not settle any such action or proceeding without the prior consent of the Corporation; and that no statements or admissions be made by the Agency without prior consultation with the Corporation.

20 The Agency will provide the Corporation indemnification, including costs and reasonable attorney's fees for errors or omissions on the part of the Agency or its employees, agents or sub-agents for which the Corporation is liable under its policy of insurance including the good faith reliance clause of the crop insurance regulations except to the extent that the Corporation has caused the error or omission. The Corporation shall determine its liability under any policy of crop insurance for which indemnification is claimed under this clause.

21 The Corporation will compensate the Agency as specified in Appendix II to this agreement.

22 The Agency shall have no authority to make any waiver or to incur any indebtedness on behalf of the Corporation.

23 This agreement shall continue in effect until canceled. Unless this agreement is canceled under Section 18 or 26, cancellation may be made by either party giving written notice to the other party at least 60 days before the earliest cancellation date for any crop policy insured in the designated area. If such notice is given, the agreement shall terminate as of such cancellation date or other date mutually agreed upon. The Agency shall have the right to continue as Agent for the Corporation for the limited purpose of collecting current farmer premiums within the period specified in Appendix II. This Agreement terminates for Spring 1983 and succeeding crop years all previous Agency Sales and Service Agreements between the Agency and the Corporation.

24 Policyholders shall have the right to renew their crop insurance policies with the Agency. The Corporation covenants that it will not engage in the sales, service or transfer of those accounts already obtained by the Agency or the Agency's transferee, directly or through other agents, as long as the Agency's performance under this agreement is deemed satisfactory by the Corporation.

25 The Agency may assign or transfer this agreement and all or a part of the business produced under this agreement to another agency with the consent of the Corporation, in which event this agreement shall fully apply to each successor agency, and such agency shall have all of the rights and duties with regard to new and carryover business provided in this agreement to the original Agency. All compensation paid on such business will be considered payable to and earned by the new agency. Any amounts due from the transferor to the Corporation may be offset against amounts due the transferee on the transferred policies. In the event that this agreement is canceled or terminated under the provisions of Section 18 or 23, the Agency shall have 60 days to exercise this privilege. The Corporation will not unreasonably withhold its consent to such assignment or transfer. In the event that this agreement is canceled or terminated under the provisions of Section 18 or 23, the Agency shall have 60 days to exercise this privilege. The Corporation will not unreasonably withhold its consent to such assignment or transfer.

26 The Corporation shall have the right to terminate this agreement without advance notice if the Agency knowingly has committed a material breach of this contract or knowingly has violated Federal law. In the event the Corporation terminates the agreement on this basis, the Corporation shall be liable to the Agency for all compensation fully earned and for the fair value of other services rendered up until the date of termination subject to the Corporation's right of set off under Section 28.

27 The Corporation shall have the right to debar the agency or any Agency Representatives in accordance with Office of Procurement Policy (OFPP), policy letter 82-1, and any amendment thereto (47 FR 28854-60). The Agency shall provide the Corporation with a list of its Officers and Agency Representatives and shall amend that list within 15 days of any change. The Agency agrees not to employ or contract with any individual or company who has been suspended or debarred by FCIC or the United States during the term of such suspension or debarment.

28 Moneys due the Corporation from the Agency or any Agency Representatives shall be set off, in whole or in part, against any moneys payable to the Agency or Agency Representative, respectively, by the Corporation or any other United States Government agency.

29 This agreement shall become effective upon execution by both the Agency and the Corporation.

II The compensation rates and clauses continued in the appendixes attached hereto are hereby made a part of this agreement to the extent they are applicable.

ACCEPTED AND EXECUTED BY

_____

NAME

_____

TITLE

_____

AGENCY

_____

DATE

APPROVED AND EXECUTED FOR THE CORPORATION BY

_____

(CONTRACTING OFFICER)

_____

DATE

APPENDIX II TO FCIC-455, AGENCY SALES AND SERVICE AGREEMENT

The Corporation will compensate the Agency as specified herein for all policies sold (new or carryover) for which the premiums are collected in full. For purposes of this section, "Base Premium" is the calculated premium including subsidy, adjustment for experience and any reduction for hail and fire credit. Interest charges are excluded from base premium.

1 New policies are those not in force with the Corporation, or any company or organization reinsured by the Corporation, on the same crop for the same entity the previous policy year. The Agency will be compensated at the rate of 18% on the first $10,000 of base premium for each crop insured.

2 Carryover policies are those policies for the same crop and entity that were in force the previous year with the Corporation or any company or organization reinsured by the Corporation. The Agency will be compensated at the rate of 13% on the first $10,000 of base premium for each crop insured.

3 The rates specified in Sections 1 and 2 will be reduced 50 percent for that portion of the base premium over $10,000 up to $50,000 and be reduced 80 percent for the portion of the base premium over $50,000.

4 If an insured cancels a policy and signs an application for insurance with another agent for the same crop year, and if a dispute arises as to which agent shall provide the service, the Corporation will make such determination.

5 The Corporation may obtain any acreage report not secured by the Agency by the date established by the Corporation after which an inspection is required to determine insurability of the acreage, and the Agency's earnings under Sections 1 or 2 of this appendix will be reduced 50% of earned commission or $50.00, whichever is greater, for each crop policy for which the Corporation secured the acreage report.

6 For the purpose of computing commissions under Sections 1 and 2 of this appendix, farmer's premiums mailed to the Corporation or collected through deduction from indemnities shall be considered as collected by the Agency as of the date of mailing or the date the claim for loss is signed. No compensation shall be paid for crop policies which do not result in a fully collected premium.

7 No amount shall be paid unless the premium is collected in full by the termination date for indebtedness contained in the policy, except as provided in section 8 of this appendix.

8 For crop policy year accounts terminated for indebtedness which are subsequently collected by the Agency (including those referred to the Agency by the Corporation for collection), reimbursement will be based on Section 2 of this appendix.

9 Premium collection shall first be credited to interest charges and costs, if applicable, and second to base premium for the purpose of commission computation.

10 No amount(s) shall be paid the Agency unless the payment is fully earned except that if this agreement is terminated as provided in Section 18 or 23 of the agreement, the Corporation, at its option, may make payment for services rendered but not fully earned.

11 The Corporation, with the consent of the Agency, may assign additional crop policies. The payment for these policies will be based on Section 2 of this appendix.

12 The Agency shall not share commissions with or provide fees or other consideration to any individual producer for the purpose of obtaining an application for insurance.

This appendix becomes effective beginning with the Spring 19 ____ crop year for Agency Code No. _____.

INITIALS	DATE	INITIALS	DATE
CORPORATION		**AGENCY**	

Done in Washington, D.C., on November 27, 1982.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: December 9, 1982.

Approved:

Merritt W. Sprague,

Manager.

[FR Doc. 82-33938 Filed 12-10-82; 8:45 am]

BILLING CODE 3410-08-C

federal register

Monday
December 13, 1982

Part VIII

The President

Executive Order 12396
Proclamation 5003
Proclamation 5004

Federal Register
Vol. 47, No. 239
Monday, December 13, 1982

Presidential Documents

Title 3—

The President

Executive Order 12396 of December 9, 1982

Defense Officer Personnel Management

By the authority vested in me as President of the United States of America by Section 301 of Title 3 of the United States Code, and in order to delegate certain functions concerning the appointment, promotion, and retirement of commissioned officers of the Armed Forces, it is hereby ordered as follows:

Section 1. The Secretary of Defense is designated to perform, without approval, ratification, or other action by the President, the following functions vested in the President:

(a) The authority vested in the President by Sections 618(b)(1) and 628(d)(1) of Title 10 of the United States Code, to approve, modify, or disapprove the report of a selection board.

(b) The authority vested in the President by Section 629(a) of Title 10 of the United States Code, to remove the name of any officer from a promotion list to any grade below commodore or brigadier general.

(c) The authority vested in the President by Section 624(c) of Title 10 of the United States Code, to appoint officers in the grades of first lieutenant and captain in the Army, Air Force, and Marine Corps or in the grades of lieutenant (junior grade) and lieutenant in the Navy.

(d) The authority vested in the President by Section 5721(c) of Title 10 of the United States Code, to make certain temporary appointments to the grade of lieutenant commander.

(e) The authority vested in the President by Section 6323(a) of Title 10 of the United States Code, to approve the application of an officer of the Navy or the Marine Corps for retirement after the completion of more than 20 years of active service and to designate the month in which such retirements shall become effective.

(f) The authority vested in the President by Sections 3918 and 8918 of Title 10 of the United States Code, to approve the request of a regular commissioned officer of the Army or the Air Force to retire after at least 30 years of service.

(g) Nothing in this Section shall be deemed to delegate the authority vested in the President by Section 618(c) of Title 10 to remove a name from a selection board report.

Sec. 2. (a) The Secretary of Defense is designated to perform during a time of war or national emergency the following functions vested in the President, without the approval, ratification, or other action by the President.

(1) The authority vested in the President by Section 526 of Title 10 of the United States Code, to suspend the operation of any provision of Sections 523, 524, or 525 of Title 10 of the United States Code, relating to the authorized strength of commissioned officers.

(2) The authority vested in the President by subsections (a) and (b) of Section 603 of Title 10 of the United States Code, to make or vacate certain temporary commissioned appointments.

(3) The authority vested in the President by Section 644 of Title 10 of the United States Code, to suspend the operation of any law relating to the promotion, involuntary retirement, or separation of commissioned officers of the Army, Navy, Air Force, or Marine Corps.

(b) The authority delegated to the Secretary of Defense by this Section may not be exercised during the time of a national emergency declared by the President, unless the exercise of any such authority is specifically directed by the President in accordance with Section 301 of the National Emergencies Act (50 U.S.C. 1631).

(c) The Secretary of Defense shall ensure that actions taken pursuant to the authority delegated by this Section are accounted for as required by Section 401 of the National Emergencies Act (50 U.S.C. 1641).

Sec. 3. The authority delegated to the Secretary of Defense by this Order may be redelegated to the Deputy Secretary of Defense, any of the Assistant Secretaries of Defense, and to any of the Secretaries of the military departments who may further subdelegate such authority to subordinates who are appointed to their office by the President with the advice and consent of the Senate.

Sec. 4. All actions taken by, for, or on behalf of the President with respect to the functions delegated by this Order, which actions would be valid if taken pursuant to this Order, are ratified.

Sec. 5. (a) Executive Order No. 10621, as amended, is further amended by revoking subsections (g), (h), (j), (k), (l), (m), and (n) of Section 1 thereof.

(b) Executive Order No. 11390, as amended, is further amended by revoking subsections 2, 3, 9, 12, and 15 of Section 1 thereof.

(c) Executive Order No. 12239 is revoked.

Ronald Reagan

THE WHITE HOUSE,
December 9, 1982.

[FR Doc. 82-33978
Filed 12-10-82; 12:42 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 5003 of December 10, 1982

Bill of Rights Day
Human Rights Day and Week, 1982

By the President of the United States of America

A Proclamation

On December 15, 1791, our Founding Fathers celebrated the ratification of the first ten Amendments to the Constitution of the United States—a Bill of Rights which from that moment forward helped shape a nation unique in the annals of history. The Bill of Rights became the formal and legal expression of our liberties and of the principles embodied in the Declaration of Independence.

The Founding Fathers derived their principles of limited government from a belief in natural law, that is, the concept that our Creator had ordained a framework for society giving great importance to individual freedom, expression, and responsibility. They held that each person had certain natural rights bestowed on him by God. As Jefferson put it, "the God who gave us life gave us liberty."

It is with glad hearts and thankful minds that on Bill of Rights Day we recognize and honor this great gift of liberty bequeathed to posterity by the Founding Fathers.

One hundred and fifty-seven years later, on December 10, 1948, the United Nations adopted the Universal Declaration of Human Rights. By jointly celebrating this anniversary with Bill of Rights Day, we acknowledge the necessary link between human rights and constitutional democracy. As stated in the Universal Declaration, we must staunchly pursue our conviction that freedom is not the sole prerogative of the fortunate few, but the inalienable and universal right of all human beings. Throughout history and from all parts of the globe, man's instinctive desire for freedom and true self-determination have surfaced again and again. Democracy has provided the best and most enduring expression of man's search for individual rights.

We can point to many nations in the world where there is real progress toward the development of democratic institutions. The people of some of those countries have fully demonstrated their commitment to democratic principles by participating in elections under difficult and even life-threatening circumstances. Such displays of courage can only inspire confidence in the future of democracy for all people.

But in December of 1982 our satisfaction in the progress toward human rights is darkened by our realization that one year ago, on December 13, 1981, the Polish military government took steps to extinguish the flames of liberty ignited by Solidarity. As that totalitarian regime moved to crush Solidarity, it laid siege to the dreams and aspirations of a whole people reaching out for freedom, independence, and essential human dignity. The tragedy of the iron suppression of the Polish people transcends the borders of that land and reaches into the hearts of all of us who care for the rights and well-being of people everywhere.

On these important anniversaries let us remember the great and abiding love of freedom that dwells perpetually within the heart of mankind. And let us also hope and pray that the blessings of liberty will one day be shared by all people.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim December 10, 1982, as Human Rights Day and December 15, 1982, as Bill of Rights Day, and call on all Americans to observe the week beginning December 10, 1982, as Human Rights Week.

IN WITNESS WHEREOF, I hereunto set my hand this 10th day of December, in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 82-33979
Filed 10-12-82; 12:43 pm]
Billing code 3195-01-M

Editorial Note: The President's remarks of December 10 on signing Proclamation 5003 are printed in the *Weekly Compilation of Presidential Documents* (vol. 18, no. 49).

Presidential Documents

Proclamation 5004 of December 10, 1982

A Day of Prayer for Poland and Solidarity With the Polish People

By The President of the United States of America

A Proclamation

December 13 will mark one year since the Polish military authorities, under intense Soviet pressure, put an end to Poland's experiment in peaceful change. During this year, the military authorities, employing force, have intimidated and ultimately dissolved the free trade unions with which the Polish Government had signed solemn accords but a short time before. Thus, a genuine labor movement was suppressed by a government of generals who claim to represent the working class. Their victory, such as it is, can only be a seeming one. The brave people of Poland have learned during a century and a half of foreign occupation to maintain their national spirit and to resist succumbing to coercion. We are not deceived for an instant that the silence which has now descended on expressions of free opinion in Poland reflects in any way the actual state of mind of the Polish people. The censored press and media do not speak on their behalf. Solidarity may be technically outlawed but its ideals of free trade unionism and nonviolent change will never be destroyed.

This weekend offers Americans a special opportunity to honor the Polish people and to demonstrate our support for their struggle for the right to determine their destiny without interference by dictatorships, supported and incited from the outside.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate December 12, 1982, as A Day of Prayer for Poland and Solidarity With the Polish People.

I invite the people of the United States to observe this day by offering prayers for the people of Poland and by participating in appropriate ceremonies and activities to demonstrate our continuing support for their aspirations for greater freedom.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of December, in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

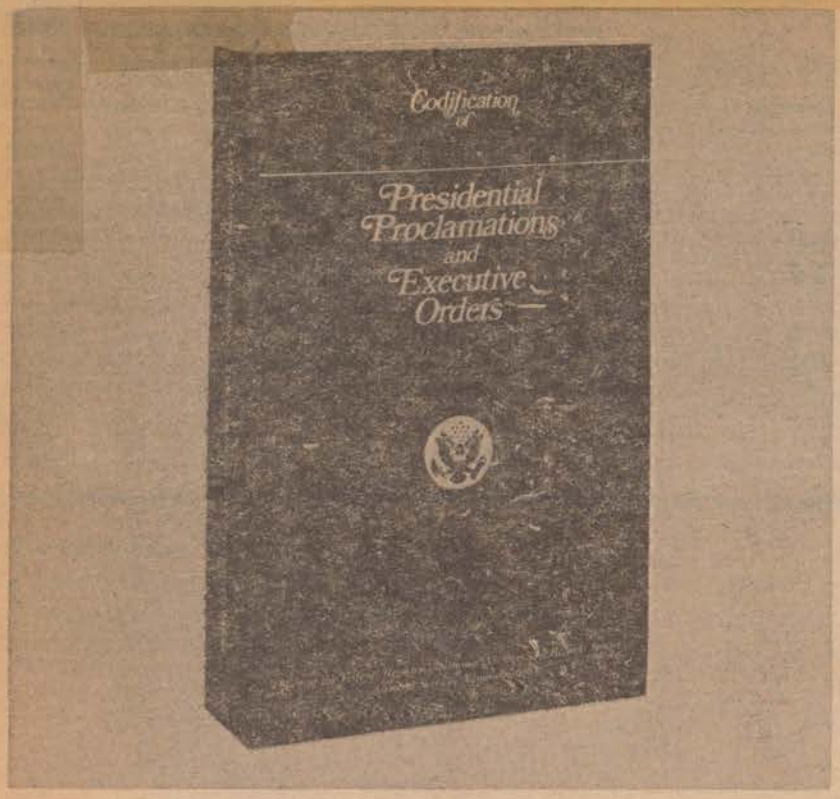
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Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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