AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

1-2-86
Vol. 51 No. 1
Pages 1-188

federal register

Thursday
January 2, 1986

Briefings on How To Use the Federal Register—
For information on briefings in Washington, DC, see announcement on the inside cover of this issue.

Selected Subjects

Air Pollution Control
Environmental Protection Agency

Aviation Safety
Federal Aviation Administration

Excise Taxes
Internal Revenue Service

Marketing Agreements
Agricultural Marketing Service

Navigation (Water)
Navy Department

Pesticides and Pests
Environmental Protection Agency

Savings and Loan Associations
Federal Home Loan Bank Board

Surface Mining
Surface Mining Reclamation and Enforcement Office

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

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How To Cite This Publication: Use the volume number and the page number. Example: 50 FR 12345.

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2 1/2 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: January 17; at 9 am.

WHERE: Office of the Federal Register, First Floor Conference Room, 1100 L Street NW., Washington, DC.

RESERVATIONS: Howard Landon 202-523-5227 (Voice)
Melanie Williams 202-523-5229 (TDD)

FUTURE WORKSHOPS: Additional workshops are scheduled bimonthly in Washington and on an annual basis in Federal regional cities. Dates and locations will be announced later.

NOTE: There will be a sign language interpreter for hearing impaired persons at this briefing.

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
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 week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 971

[Amdt. 2]

Lettuce Grown in South Texas; Amendment No. 2 to Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule removes Exports to Mexico § 971.322(e)(2) from the handling regulation. This special purpose shipment exemption has been difficult to enforce and many lettuce shipments have been marketed to small Texas retailers instead of being exported to Mexico.

EFFECTIVE DATE: January 2, 1986.

FOR FURTHER INFORMATION CONTACT: Kenneth G. Johnson, Vegetable Branch, F&V, AMS, USDA, Washington, DC 20250 (202) 447–7920.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "nonmajor" rule.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has certified that this action will not have a significant economic impact on a substantial number of small entities.

Notice was published in the December 9, 1985, **Federal Register** (50 FR 50171) regarding the proposal. It afforded interested persons an opportunity to file written comments by December 24, 1985. None was filed.

Approximately four handlers of lettuce will be subject to regulation under the South Texas Lettuce Marketing Order during the course of the current season and this group may be classified as small entities. Under the current regulation, handlers desiring to export lettuce to Mexico are required to obtain a Certificate of Privilege prior to handling, loading and transporting such lettuce in vehicles bearing Mexican registration (license). This amendment to the continuing handling regulation removes exports to Mexico from the special purpose shipments exemption making them subject in the regulation. Such amendment will contribute to orderly marketing in the area, and will not impose a significant economc burden on the affected handlers.

Marketing Agreement No. 144 and Order No. 971 regulate the handling of lettuce grown in designated counties in South Texas. The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The South Texas Lettuce Committee, established under the order, is responsible for its local administration.

Because requirements under this program have been changed infrequently, in October 1981 the committee recommended, and the Secretary approved, a regulation which would continue in effect from marketing season to marketing season indefinitely unless modified, suspended or terminated by the Secretary upon recommendation submitted by the committee or other information available to the Secretary.

At its public organizational meeting in McAllen, Texas, on October 10, 1985, the committee recommended that "for export to Mexico" § 971.322(e)(2) be removed from the handling regulation. This action is intended to reduce the number of marketing order violations under this provision. Currently, § 971.322(e)(2) permits lettuce loaded and transported to Mexico in vehicles bearing Mexican registration (license) to be exempt from assessment, container, pack and inspection requirements. There has been evidence of widespread abuse of this exemption. Several lettuce shipments have been classified for exports to Mexico and later sold to some small Texas retailers.

When lettuce is exempted under § 971.322(e)(2), a special shipment report form must be completed and turned in at border crossings when these vehicles transporting lettuce leave the United States. This form provides a method for certifying that lettuce shipments to exempted outlets do not enter fresh market outlets in the United States. Many of these forms are not being returned to the South Texas Lettuce Committee office. The Department has received information that handlers are selling lettuce shipments to small Texas retailers prior to leaving the United States and discarding the report forms. The committee finds that in order to secure compliance within the guidelines for § 971.322 and promote orderly marketing this amendement is needed.

Although the regulation being amended is effective for an indefinite period, the committee will continue to meet prior to or during each season to consider recommendations for modification, suspension or termination of the regulation. Prior to making any such recommendations, the committee will submit to the Secretary a marketing policy for the season including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings or may file comments with the Fruit and Vegetable Division. The Department will evaluate committee recommendations and information submitted by the committee and other available information and determination whether modification, suspension or termination of the regulation on shipments of South Texas lettuce would tend to effectuate the declared policy of the Act.

Findings. After consideration of all relevant matters, including the proposal set forth in the notice, it is hereby found that the following amendment, as hereinafter set forth, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the **Federal Register** (5 U.S.C. 553) in that (1) shipments of lettuce grown in the production area have begun; (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the marketing season.

List of Subjects in 7 CFR Part 971

Marketing agreements and orders, Lettuce, Texas.

PART 971—LETTUCE GROWN IN SOUTH TEXAS

1. The authority citation for 7 CFR Part 971 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 971.322 [46 FR 57023, November 20, 1981; 49 FR 48529, December 13, 1984) is hereby amended by revising paragraph (e) as follows:

§ 971.322 Handling regulations.

* * * * *

(e) *Special purpose shipments.* The assessment, container, pack and inspection requirements of this section shall not be applicable to shipments as follows: For relief, clarity, experimental purposes, if a handler presents a Certificate of Privilege for such lettuce prior to handling it pursuant to §§ 971.120–971.125.

* * * * *

Dated: December 26, 1985.

Thomas R. Clark,

Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 85–30978 Filed 12–31–85; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85-ANE-23; Amdt. 39-5208]

Airworthiness Directives; Centrair Model 101, 101A, 101P, 101AP Gliders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires inspection, and adjustment if necessary, of the neutral travel at the actuating cable line of the tow release on Centrair Model 101 series gliders. The AD is needed to prevent an unintended release of the tow hook during takeoff which could result in an unsafe flight condition.

DATE: *Effective:* January 14, 1986.

Compliance schedule: Compliance required within 30 days after effective date of this AD.

FOR FURTHER INFORMATION CONTACT: Mr. Terry Fahr, ANE–153, Federal Aviation Administration, New England Region, Boston Aircraft Certification Office, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273–7103.

SUPPLEMENTARY INFORMATION: Centrair issued Service Bulletin (SB) No. 101–5 dated December 19, 1984, to prevent unintended release of the tow hook on takeoff on certain Centrair Model 101 series gliders. Unintended release could occur if the neutral travel of the actuating cable is insufficient to allow positive locking of the tow hook. This SB was issued as a result of problems experienced on the Schleicher Model ASW20 gliders which have the same release mechanism. Direction Generale de L'Aviation Civile (DGAC), who has the responsibility and authority to maintain the continuing airworthiness of the Centrair gliders in France, has issued AD No. 85–2(A) making mandatory the compliance with SB No. 101–5 prior to March 1, 1985, on certain Centrair 101 series gliders.

The FAA has examined the available information related to the issuance of Centrair SB No. 101–5 and the mandatory classification of this information by the DGAC. Since this condition is likely to exist or develop on other gliders of the same type design, an AD is being issued which requires inspection, and adjustment if necessary, of the neutral travel at the actuating cable line of the tow release on certain Centrair model 101 gliders.

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

Conclusion: The FAA has determined that this regulation only involves 44 aircraft and will cost approximately $30 per aircraft. Therefore, I certify that this action: (1) Is not a "major rule" under Executive Order 12291, and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT".**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the FAA amends Part 39 of the FAR as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

2. Section 39.13 is amended by adding the following new AD:

Centrair Sailplanes: Applies to Centrair Model 101, 101A, 101P and 101AP gliders certificated in any category.

Compliance is required within 30 days after the effective date of this AD, unless already accomplished.

To prevent unintended release of the tow cable hook during takeoff, accomplish the following in accordance with figures 1 and 2:

(a) Insure that the tow release cable guide is mounted on the back of the bulkhead (fig. 2). If the guide is mounted on the front of the bulkhead (fig. 1), remount it on the back.

(b) Check dimension A (fig. 2) for proper neutral travel. (A minimum of 13/64" and a maximum of 18/64"). If dimension A is not found to be within this range:

(1) On gliders equipped with a rear tow hook only, adjust the threaded end fittings (no. 1, fig. 2).

(2) On gliders equipped with front tow hook only, replace the cable (no. 4, fig. 2) with a new one (Centrair P/N 101 150 0003 025).

(3) On gliders with a front and rear hooks replace the cable (no. 4, fig. 2) with a new one (Centrair P/N 101 150 0003 025) and adjust the threaded end fittings so that the tension is identical on the two hooks and they release together.

(c) After completing paragraph (b), check dimension B (fig. 2) for proper neutral travel (a minimum of 30/64" and a maximum of 35/64"). If dimension B is not found to be within this range:

(1) On gliders with a rear tow hook only and with a plastic tube between the release cable fitting and the cable guide (no. 3, fig. 2) adjust by shortening the plastic tube and/or adjusting the threaded end fittings (no. 1, fig. 2). If there is no plastic tube, adjust the threaded end fittings. If proper neutral travel cannot be obtained, replace the control cable (no. 2, fig. 2) with a new one (Centrair P/N 101 150 0003 024).

(2) On gliders with front and rear hooks, or with a front hook only, and with the plastic tube, shorten the tube. If there is no tube or no neutral travel cannot be obtained, replace the control cable (no. 2, fig. 2) with a new one (Centrair P/N 101 150 0003 024).

(3) Repeat paragraphs (b) and (c) to determine that the proper ranges of neutral travel for dimensions A and B (fig. 2) are simultaneously met.

Note.—Centrair SB No. 101–5 dated December 19, 1984, addresses this subject.

Upon request, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Brussels Aircraft Certification Office, AEU–100, Europe, Africa, and Middle East Office, Federal Aviation Administration, c/o American Embassy, 1000 Brussels, Belgium, telephone 513.38.30, x2710.

Upon submission of substantiating data by an owner or operator through an FAA maintenance inspector, the Manager, Brussels Aircraft Certification Office may adjust the compliance time specified in this AD.

This amendment becomes effective on January 14, 1986.

Issued in Burlington, Massachusetts, on December 23, 1985.

Robert E. Whittington,

Director, New England Region.

BILLING CODE 4910-13-M

FIGURE 1

INCORRECT INSTALLATION
Cable guide mounted on the front of the bulkhead

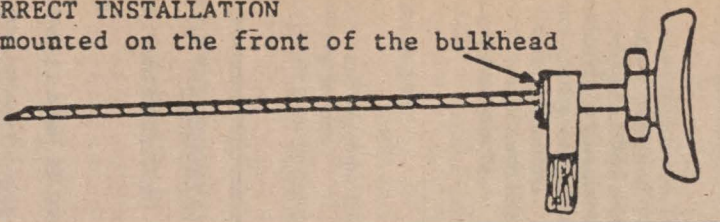
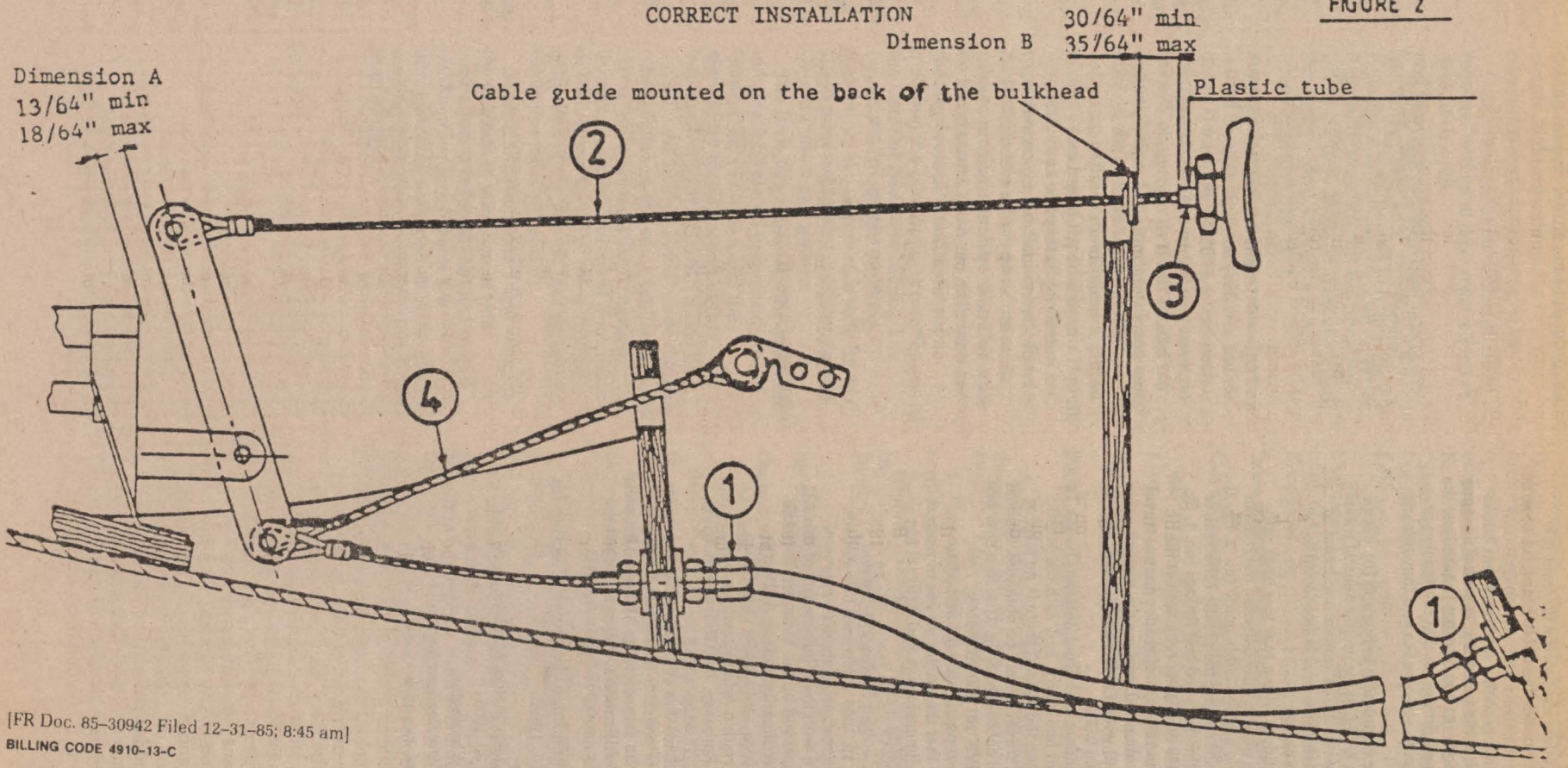


FIGURE 2

CORRECT INSTALLATION



[FR Doc. 85-30942 Filed 12-31-85; 8:45 am]
BILLING CODE 4910-13-C

14 CFR Part 39

[Docket No. 85-CE-36-AD; Amendment 39-5203]

Airworthiness Directives; Gulfstream Aerospace Corp. Model GA-7 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Gulfstream Aerospace Corporation Model GA-7 airplanes which requires a one time visual inspection and if necessary incorporation of corrosion protection or replacement of the rudder torque tube. Reports of corrosion and cracks have been reported on the torque tube at the bellcrank area and if this condition is left uncorrected, the torque tube could fail and loss of control of the airplane could occur. This AD will preclude this failure.

EFFECTIVE DATE: January 3, 1986.

Compliance: As prescribed in the body of the AD.

ADDRESSES: Gulfstream Service Bulletin No. ME-21, dated November 1, 1985, applicable to this AD may be obtained from Gulfstream Aerospace Corporation, P.O. Box 2206, Savannah, Georgia 31402-2206; Telephone (912) 964-3000. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis A. Jackson, ACE-120A, Atlanta Aircraft Certification Office, Central Region, Federal Aviation Administration 1075 Inner Loop Road, College Park, Georgia 30337; Telephone (404) 763-7407.

SUPPLEMENTARY INFORMATION: There have been reports of corrosion and cracks on the rudder torque tube at the bellcrank area on Gulfstream Model GA-7 airplanes. Cracks ranged in size from minor to complete failure. If left uncorrected, the torque tube could fail and loss of control of the airplane could occur. The FAA has determined that the unsafe condition described hereon is likely to exist in other airplanes of the same type design. Therefore, an AD is being issued requiring a visual inspection within 50 hours time-in-service and incorporation of corrosion protection or if necessary replacement of the rudder torque tube. Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure herein are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

The Federal Aviation Administration 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 Rules Docket under the caption **"ADDRESSES"** at the location identified.

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the FAR as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) [Revised, Pub. L. 97-449, January 12, 1983], and 14 CFR 11.89.

2. By adding the following new AD:

Gulfstream Aerospace: Applies to Model GA-7 (Cougar) airplanes, all serial numbers, certified in any category.

Compliance: Required within 50 hours time-in-service after the effective date of this AD unless previously accomplished.

To prevent failure of the rudder torque tube, accomplish Paragraphs (a), (b) and (c) of the following AD in accordance with Gulfstream Aerospace Corporation (GAC) Service Bulletin (S/B) No. ME-21, dated November 1, 1985:

(a) Visually inspect the rudder torque tube for corrosion or cracks.

(b) If any cracks or excessive corrosion is found, prior to further flight replace the rudder torque tube, P/N 7CS10500-11.

(c) If no cracks are found and no corrosion or only light surface corrosion exists on the rudder torque tube, prior to further flight apply corrosion protection treatment to the torque tube.

(d) Aircraft may be flown in accordance with Federal Aviation Regulation 21.197 to a location where this AD can be accomplished.

(e) An equivalent method of compliance with this AD, if used, must be approved by the Manager, Atlanta Aircraft Certification Office, 1075 Inner Loop Road, College Park, Georgia 30337; Telephone (404) 763-7428.

All persons affected by this directive may obtain copies of the documents referred to herein upon request to Gulfstream Aerospace Corporation, P.O. Box 2206, Savannah, Georgia 31402-2206, or the FAA, Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

This amendment becomes effective on January 3, 1986.

Issued in Kansas City, Missouri, on December 19, 1985.

Edwin S. Harris,

Director, Central Region.

[FR Doc. 85-30943 Filed 12-31-85; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 85-ANE-28; Amdt. 39-5202]

Airworthiness Directives; GROB-WERKE GmbH Model G109 Powered Gliders (Serial Numbers 6001 Through 6159 Inclusive) and Model G109B (Serial Numbers 6200 Through 6317 Inclusive) Certificated in Any Category

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) which requires inspection, and replacement if necessary, of the main landing gear legs on certain Grob G109 powered gliders. The amendment is needed because the FAA has determined that insufficient landing gear legs are available to enable all owners of these gliders to meet the compliance date of October 31, 1985. Compliance date is changed to be January 31, 1986.

DATES: *Effective:* January 10, 1986.

Compliance schedule: As prescribed in the body of the AD.

FOR FURTHER INFORMATION CONTACT: Terry Fahr, ANE-153, FAA, New England Region, Boston Aircraft Certification Office, 12 New England Executive Park, Burlington, Massachusetts 01803.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39-5132, 50 FR 36987, AD 85-19-07 which currently requires inspection, and replacement if necessary, of the main landing gear legs on certain Grob G109 powered gliders. After issuing

Amendment 39–5132, the FAA has determined that insufficient landing gear legs are available to enable all owners of these gliders to meet the AD compliance date of October 31, 1985. Therefore, the FAA is amending Amendment 39–5132 by adjusting the compliance date specified in paragraph (c)(2) to not later than January 31, 1986.

Since this amendment extends the compliance time of an existing AD and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves the extension of the compliance date on an existing AD and no additional cost. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291, and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT**".

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me the FAA amends Part 39 of the Federal Aviation Regulations (FAR) as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

2. By amending Amendment 39–5132, 50 FR 36987, AD 85–19–07 as follows:

Amend paragraph (c)(2) by replacing "October 31, 1985", with "January 31, 1986".

This amendment becomes effective on January 10, 1986.

This amendment amends Amendment 39–5132, 50 FR 36987, AD 85–19–07.

Issued in Burlington, Massachusetts on December 18, 1985.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 85–30930 Filed 12–31–85; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 85–AGL–23]

Alteration of Transition Area; Tell City, IN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this action is to alter the Tell City, Indiana, transition area to accommodate twin engine turbo prop aircraft operating at Perry County Municipal Airport.

The intended effect of this action is to ensure segregation of the aircraft using approach procedures in instrument conditions from other aircraft operating under visual weather conditions in controlled airspace.

EFFECTIVE DATE: 0901 G.m.t., March 13, 1986.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL–530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694–7360.

History

On Monday, November 4, 1985, the Federal Aviation Administration (FAA) proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Tell City, Indiana, transition area (50 FR 45830).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6 dated January 2, 1985.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the Tell City, Indiana, transition area to accommodate twin engine turbo prop aircraft utilizing a NDB Runway 31 approach procedure to Perry County Municipal Airport.

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 will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR part 71

Aviation safety, Transition areas.

Adoption of the Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) proposes to amend Part 71 of the FAR (14 CFR Part 71) as follows:

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. By amending § 71.181 as follows:

Tell City, IN

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the Perry County Municipal Airport, IN, (lat. 38°01'04" N., long. 86°41'27" W.); and within 3 miles each side of the 109° bearing from the Perry County Municipal Airport extending from the 6.5 mile radius to 8.5 miles southeast.

Issued in Des Plaines, Illinois, on December 16, 1985.

Monte R. Belger,

Acting Director, Great Lakes Region.

[FR Doc. 85–30932 Filed 12–31–85; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 85–AWA–28]

Alteration of VOR Federal Airway V–181—South Dakota

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; change of effective date.

SUMMARY: On November 22, 1985, the FAA published a final rule altering Federal Airway V–181 with an effective date of January 16, 1986. It is necessary to delay the effective date for implementation to March 13, 1986. This action changes the effective date of the final rule to March 13, 1986.

EFFECTIVE DATE: 0901 G.m.t., March 13, 1986.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Air Traffic Rules Branch (ATO-230), Airspace—Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8626.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 85-27862, published on November 22, 1985 (50 FR 48178), cited as the effective date for implementation January 16, 1986. Because of technical problems, it is necessary to change the effective date for the final rule to March 13, 1986. This action postpones the effective date of the final rule to March 13, 1986.

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 will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, **Federal Register** Document 85-27862, as published in the **Federal Register** on November 22, 1985 (50 FR 48178), is amended by changing the effective date from "January 16, 1986," to "March 13, 1986."

(49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69)

Issued in Washington, D.C. on December 24, 1985.

Shelomo Wugalter,

Acting Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 85-30933 Filed 12-31-85; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 85-AWA-29]

Alteration of VOR Federal Airways; California

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the descriptions of several Federal Airways located in the state of California. Navigational aids (NAVAID) not located on the airport have been revised so that they do not have the same name as NAVAID's located on the airport to preclude misunderstanding by pilots. This action aids flight planning, enhances aviation safety and is in compliance with current FAA policy.

DATES: Effective date—0901 UTC, March 13, 1986.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Air Traffic Rules Branch (ATO-230), Airspace—Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8626.

SUPPLEMENTARY INFORMATION:

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) alters the descriptions of several VOR Federal Airways located in the state of California. The names of all NAVAID's have been changed to meet FAA's policy criteria stated as follows: "Navigational aids, with the same name as the associated airport, should be located on the airport. However, NAVAID's not on the airport with the same name as the airport can retain that name provided there is no other NAVAID with that name." This action enhances pilot navigation and flight planning. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6A dated January 2, 1985.

Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to amend the descriptions of all affected VOR Federal Airways to reflect the new NAVAID name changes. This action does not alter the location or configuration of any airway. Because this is a minor technical amendment in which the public would not be particularly interested, I find that notice and public procedure under 5 U.S.C. 553(b) is unnecessary.

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 will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal Airways.

Adoption of the Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as amended (50 FR 4966, 50 FR 14092, 50 FR 23398 and 50 FR 39655) is further amended, as follows:

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

2. Section 71.123 is amended as follows:

V-283 and V-372 [Amended]

Wherever "March" appears substitute "Box Springs"

V-6, V-32, V-28, V-113, V-200 and V-452 [Amended]

Wherever "Reno" appears substitute "Mustang"

V-12, V-25, and V-186 [Amended]

Wherever "Santa Barbara" appears substitute "San Marcus"

V-109 [Amended]

Wherever "Stockton" appears substitute "Manteca"

Issued in Washington, D.C., on December 24, 1985.

Shelomo Wugalter,

Acting Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 85-30934 Filed 12-31-85; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 85-AWA-30]

Alteration of VOR Federal Airways and Compulsory Reporting Points

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the descriptions of several Federal Airways and changes the names of Compulsory Reporting Points located in the states of California and Hawaii. The names of certain navigational aids (NAVAID) not located on the airport have been revised so that they do not have the same name as NAVAID's located on the airport to preclude misunderstanding by pilots. This action revises the descriptions of these Federal Airways and changes the names of Compulsory Reporting Points to reflect the new NAVAID names, but does not alter their locations or configurations.

DATE: Effective date—0901 UTC, March 13, 1986.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Air Traffic Rules Branch (ATO-230), Airspace—Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 426-8626.

SUPPLEMENTARY INFORMATION:

The Rule

The purpose of this amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter the descriptions of several VOR Federal Airways and change the names of Compulsory Reporting Points located in the states of California and Hawaii. This action revises the descriptions of these VOR Federal Airways and changes the names of Compulsory Reporting Points to reflect the new NAVAID names, but does not alter the location or configuration of any controlled airspace or reporting points. Sections 71.123, 71.127 and 71.203 of Part 71 of the Federal Aviation Regulations were republished in Handbook 7400.6A dated January 2, 1985.

Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to amend the descriptions of all affected VOR Federal Airways and change the names of Compulsory Reporting Points to reflect the new NAVAID name changes. This action does not alter the location or configuration of the airways or reporting points. Because this is a minor technical amendment in which the public would not be particularly interested, I find that notice and public procedure under 5 U.S.C. 553(b) is unnecessary.

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 will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways, Compulsory reporting points.

Adoption of the Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as amended (50 FR 14091, 14092, 31156, 38973 and 39655) is further amended, as follows:

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

2. Section 71.123 is amended as follows:

V-23 [Amended]

Where "Bakersfield" appears substitute "Shafter"

Where "Fresno" appears substitute "Pinedale"

Where "Stockton" appears substitute "Manteca"

V-165 [Amended]

Where "Bakersfield" appears substitute "Shafter"

Where "Fresno" appears substitute "Pinedale"

Where "Reno" appears substitute "Mustang"

V-183 [Amended]

Where "Santa Barbara" appears substitute "San Marcus"

Where "Bakersfield" appears substitute "Shafter"

V-197 and V-248 [Amended]

Where "Bakersfield" appears substitute "Shafter"

V-105 [Amended]

Where "Reno" appears substitute "Mustang"

V-230 [Amended]

Where "Fresno" appears substitute "Pinedale"

V-113 [Amended]

Where "San Luis Obispo" appears substitute "Morro Bay"

Where "Stockton" appears substitute "Manteca"

Where "Reno" appears substitute "Mustang"

V-244 [Amended]

Where "Stockton" appears substitute "Manteca"

V-27 [Amended]

Where "San Luis Obispo" appears substitute "Morro Bay"

3. Section 71.127 is amended as follows:

V-5, V-7, V-20 and V-11 [Amended]

Where "Kona" appears substitute "Kailua"

4. Section 71.203 is amended as follows:

Bakersfield, CA [Remove]
Shafter, CA [New]

Fresno, CA [Remove]
Pinedale, CA [New]

San Luis Obispo, CA [Remove]
Morro Bay, CA [New]

Stockton, CA [Remove]
Manteca, CA [New]

Reno, NV [Remove]
Mustang, NV [New]

Santa Barbara, CA [Remove]
San Marcus, CA [New]

Issued in Washington, D.C., on December 24, 1985.

Shelomo Wugalter,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 85-30935 Filed 12-31-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR 71

[Airspace Docket No. 85-AWA-24]

Alteration of Brunswick, ME, Control Area, Maine Transition Area and Establishment of Machias, ME, Transition Area; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: An error was noted in the description of the Brunswick, ME, Additional Control Area that was

published in the **Federal Register** on November 18, 1985 (50 FR 47358) (Airspace Docket No. 85–AWA–24). This action corrects that error.

EFFECTIVE DATE: 0901 G.m.t., January 16, 1986.

FOR FURTHER INFORMATION CONTACT: William C. Davis, Airspace and Air Traffic Rules Branch (ATO–230), Airspace—Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

History

FR Document 85–27302 was published on November 18, 1985, which amended controlled airspace in and offshore of the State of Maine. An error was discovered in the description of the Brunswick, ME, Additional Control Area and this action corrects that error.

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 will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Additional control areas and transitions areas.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me, FR Document 85–27302, as published in the **Federal Register** on November 18, 1985 (50 FR 47358) is corrected as follows: Beginning with the sixth line from the top of the Brunswick, ME, description, remove "at lat. 42°43'15"," and substitute "on the north boundary of Control 1140 along." Also, beginning with the sixth line from the bottom of the Brunswick, ME, description, remove "lat. 44°47'45" N., long. 66°53'00" W." and subsititute "lat. 44°46'36" N., long. 66°54'11" W."

Issued in Washington, D.C., on December 24, 1985.

Shelomo Wugalter,

Acting Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 85–30936 Filed 12–31–85; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Parts 71 and 75

[Airspace Docket No. 85–AWA–31]

Alteration of Jet Routes and Compulsory Reporting Points; California

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the descriptions of several Jet Routes and changes the names of Compulsory Reporting Points in the state of California. The names of certain navigational aids (NAVAID) not located on the airport have been revised so that they do not have the same name as NAVAID's located on the airport to preclude misunderstanding by pilots. This action revises the descriptions of these Jet Routes and changes the names of Compulsory Reporting Points to reflect the new NAVAID names, but does not alter their location or configuration.

EFFECTIVE DATE: 0901 UTC, March 13, 1986.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Air Traffic Rules Branch (ATO–230), Airspace—Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 426–8626.

SUPPLEMENTARY INFORMATION:

The Rule

The purpose of these amendments to Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) is to alter the descriptions of several Jet Routes and change the names of Compulsory Reporting Points located in the state of California. The names of certain NAVAID's not located on the airport have been revised so that they do not have the same name as NAVAID's located on the airport to preclude misunderstanding by pilots. This action revises the descriptions of these Jet Routes and changes the names of Compulsory Reporting Points to reflect the new NAVAID names, but does not alter the locations or configurations of any controlled airspace or reporting points. Sections 71.207 and 75.100 of Parts 71 and 75 of the Federal Aviation Regulations were republished in Handbook 7400.6A dated January 2, 1985.

Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to amend the descriptions of all Jet Routes and change the names of Compulsory Reporting Points to reflect the new NAVAID name changes. This action does not alter the location or configuration of jet routes or reporting points. Because this is a minor technical amendment in which the public would not be particularly interested, I find that notice and public procedure under 5 U.S.C. 553(b) is unnecessary.

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, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Parts 71 and 75

Aviation safety, Compulsory reporting points and jet routes.

Adoption of the Amendments

Accordingly, pursuant to the authority delegated to me, Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) as amended (50 FR 14092, 50 FR 38973 and 50 FR 39655), are further amended, as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.207 [Amended]

2. Section 71.207 is amended as follows:

Bakersfield, CA [Remove]
Shafter, CA [New]

Fresno, CA [Remove]
Pinedale, CA [New]

Reno, NV [Remove]
Mustang, NV [New]
Stockton, CA [Remove]
Manteca, CA [New]

PART 75—[AMENDED]

3. The authority citation for Part 75 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 75.100 [Amended]

4. Section 75.100 is amended as follows:

J-5 [Amended]

Where "Bakersfield" appears substitute "Shafter"
Where "Reno, NV" appears substitute "Mustang, NV"

J-50 [Amended]

Where "Bakersfield" appears substitute "Shafter, CA"

J-65 [Amended]

Where "Bakersfield" appears substitute "Shafter"
Where "Fresno, CA" appears substitute "Pinedale, CA"

J-92 [Amended]

Where "Reno, NV" appears substitute "Mustang, NV"

J-110 [Amended]

Where "Fresno, CA" appears substitute "Pinedale, CA"

J-94 [Amended]

Where "Stockton, CA" appears substitute "Manteca, CA"
Where "Reno, NV" appears substitute "Mustang, NV"

J-7 and J-32 [Amended]

Where "Reno, NV" appears substitute "Mustang, NV"

J-58 and J-80 [Amended]

Where "Stockton, CA" appears substitute "Manteca, CA"

Issued in Washington, DC, on December 24, 1985.

Shelomo Wugalter,
Acting Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 85-30937 Filed 12-31-85; 8:45 am]
BILLING CODE 4910-13-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1750

Standard for Devices To Permit the Opening of Household Refrigerator Doors From the Inside; Amendment

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending the standard issued under provisions of the Refrigerator Safety Act to state that in the evaluation of any suggestion for modification of the standard received from the public, the Commission will consult the Division of Maternal and Child Health, Health Resources and Services Administration of the Public Health Service, Department of Health and Human Services. The Commission is making this change because the standard in its present form states that the Commission will consult the Children's Bureau of the predecessor Department of Health, Education, and Welfare, which no longer exists.

EFFECTIVE DATE: January 2, 1986.

FOR FURTHER INFORMATION CONTACT: Don Early, Division of Regulatory Management, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, DC 20207; telephone: (301) 492-6400.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 18, 1973 (38 FR 34729), the Consumer Product Safety Commission revised and reissued the Standard for Devices to Permit the Opening of Household Refrigerator Doors From the Inside (16 CFR Part 1750). The Commission modified the standard to reflect that section 30(c) of the Consumer Product Safety Act (15 U.S.C. 2079(c)) transferred functions under the Refrigerator Safety Act (RSA) (15 U.S.C. 1211 *et seq.*) from the Secretary of Commerce and the Federal Trade Commission to the Consumer Product Safety Commission. In § 1750.6 of the revised standard, the Commission stated that in the evaluation of any suggested change to the standard which it receives from the public, the Commission will consult with the Children's Bureau of the Department of Health, Education, and Welfare. In 1979, the Department of Health, Education, and Welfare was redesignated the Department of Health and Human Services. The functions formerly exercised by the Children's Bureau are now performed by the Division of Maternal and Child Health, Health Resources and Services Administration of the Public Health Service. Accordingly, the Commission is revising § 1750.6 of the standard to reflect the current names of the office and department to be consulted.

Generally, the Administrative Procedure Act (APA) (5 U.S.C. 553) requires that agencies must give notice of proposed rulemaking and provide opportunity for interested parties to submit written comments on the proposal before a rule can be issued or amended. However, 5 U.S.C. 553(b)(B) provides that notice of proposed rulemaking and public participation are not required when the agency makes a finding for good cause that such notice and opportunity for comment are "impracticable, unnecessary, or contrary to the public interest."

The Commission finds for good cause that notice of proposed rulemaking and opportunity for comment are not necessary for issuance of the amendment published below because the only purpose of the amendment is to reflect the current designation of the office and department specified § 1750.6 of the standard. In this instance, providing notice of proposed rulemaking and opportunity for submission of comments would be a meaningless gesture.

Similarly, the APA requires at 5 U.S.C. 553 that a "substantive rule" must be published at least 30 days before its effective date, unless the agency finds otherwise for good cause and publishes that finding with the final rule.

The amendment published below does not alter or affect any substantive provision of the standard; it changes only the name of an office and executive department of the United States government to reflect their current designations. For this reason, the requirement of 5 U.S.C. 553 for publication of a final substantive rule at least 30 days before its effective date is not applicable, and the amendment published below shall become effective immediately.

Accordingly, pursuant to section 30(c) of the CPSA (15 U.S.C. 2079(c)) and section 3 of the RSA (15 U.S.C. 1213), the Commission amends Title 16, Chapter II, Subchapter F, Part 1750 as follows:

PART 1750—STANDARD FOR DEVICES TO PERMIT THE OPENING OF HOUSEHOLD REFRIGERATOR DOORS FROM THE INSIDE

1. The authority citation for Part 1750 continues to read as follows:

Authority: Pub. L. 84-930, sec. 3, 70 Stat. 953 (15 U.S.C. 1213).

§ 1750.6 [Amended]

2. In § 1750.6, the reference to "the Children's Bureau of the Department of Health, Education, and Welfare" is changed to read "the Division of Maternal and Child Health, Health Resources and Services Administration, Public Health Service, Department of Health and Human Services."

Dated: December 27, 1985.

Sheldon D. Butts,

Deputy Secretary, Consumer Product Safety Commission.

[FR Doc. 85-30980 filed 12-31-85; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 48, 154, and 602

[T.D. 8066]

Retail excise tax on special fuels

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations which revise and update the regulations relating to excise taxes on special fuels. Changes to the applicable law were made by the Excise Tax Reduction Act of 1965, the Airport and Airway Revenue Act of 1970, the Energy Tax Act of 1978, the Tax Equity and Fiscal Responsibility Act of 1982, the Surface Transportation Assistance Act of 1982, and the Tax Reform Act of 1984. These regulations provide necessary guidance to the public for compliance with the law and affect sales or uses of diesel fuel, special motor fuels and fuels for use in noncommercial aviation.

DATES: Except as otherwise provided in this document, the regulations are effective for sales or uses of diesel fuel, special motor fuels and fuels for use in an aircraft after December 31, 1954.

FOR FURTHER INFORMATION CONTACT: William A. Jackson of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: CC:LR:T (202-566-4336, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

On October 22, 1980, the **Federal Register** published proposed amendments to the Manufacturers and Retailers Excise Tax Regulations (26 CFR Part 48) under section 4041 of the Internal Revenue Code of 1954 (Code) (45 FR 69933). The amendments were proposed to conform the regulations to statutory changes made to section 4041 of the Code since 1964. These statutory changes were made by the Excise Tax Reduction Act of 1965 (Pub. L. 89-44, 79 Stat. 136), which repealed all retailers excise taxes on articles other than special fuels, and the Airport and Airway Revenue Act of 1970 (Pub. L. 91-758, 84 Stat. (Part 1) 237), which imposed a tax under section 4041 of the Code on the use of fuels in noncommercial aviation. A public hearing on the proposed regulations was held on April 8, 1981. After consideration of all comments received concerning the proposed amendments, those amendments are adopted as revised by this Treasury decision. In addition, this Treasury decision revises the proposed regulations by incorporating the statutory changes made to section 4041 by the Energy Tax Act of 1978 (Pub. L. 95-618, 92 Stat. 3174), which repealed the excise tax reduction for special motor fuels used in a motor vehicle for non-business, off-highway purposes; the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97-248, 92 Stat. 324), which reimposed the tax and increased the rate of tax on fuel used in noncommercial aviation; the Surface Transportation Assistance Act of 1982 (Pub. L. 97-424, 96 Stat. 2168), which increased the rate of tax on diesel and special motor fuels and which repealed the excise tax reduction for diesel fuel used in a diesel-powered highway vehicle for non-business, off-highway purposes; and the Tax Reform Act of 1984 (Pub. L. 98-369, 98 Stat. 1005), which increased the tax on diesel fuel.

Public Comments

Several public comments were received regarding the proposed regulations. The more significant comments are discussed below.

In response to a comment suggesting the deletion of the temporary regulations under § 154.1-1 to confirm that these regulations supersede that section, § 154.1-1 has been removed.

Taxable Sales

Sections 48.4041-2 (a), 48.4041-2(b), 48.4041-3(a), 48.4041-3(b), 48.4041-4(a), and 48.4041-4 (b) all deal with the sales of special fuels. Two commentators requested that the term "sale" as used in these sections be changed to "taxable sale". The commentators were concerned that, absent this change, some sales, not taxable in fact, might be presumed to be taxable. In response to the comments, the suggested changes were made.

Bulk Sales

Sections 48.4041-5 and 48.4041-6 established general rules on fuels sold or used, including rules on bulk sales. Commentators suggested amending § 48.4041-5(a)(2)(ii) and § 48.4041-6(b) to make it clear that a taxable bulk sale has not occurred unless the seller acknowledges in writing the receipt of the purchaser's statement that the bulk sale was taxable. This would protect a seller from the later claim of a purchaser that such a statement was delivered when this was not the case. The final regulations do not adopt this request because the seller's liability for the tax would then depend upon the seller's acknowledgment and this would defeat the purpose of the regulation.

Section 48.4041-5(a)(2) also establishes requirements for purchasers who make bulk purchases from a single seller for both taxable and nontaxable purposes. These sales may be treated as only partially taxable if proper records are kept and certain other requirements are satisfied. Two commentators requested adding language to § 48.4041-5(a)(2) stating that the recordkeeping burden is on the purchaser, not the seller, because the information for such records is within the control of the purchaser, not the seller. The final regulations adopt this suggestion.

Consignments

Section 48.4041-5(b)(2) concerns consignments which are generally not taxable. Tax is due on the later sale of the fuel by the consignee on behalf of the consignor where the fuel is sold for taxable use. Consistent with the suggestions of the comments, § 48.4041-5(b)(2) was changed to make it clear that the owner of the fuel at the time of the taxable sale is the person liable for the tax.

Registered Highway Vehicles

Two commentators requested that the definition of "registered highway vehicle" in § 48.4041-8(i)(2) be changed to exclude vehicles operated pursuant to special permits "for operation at particular times and under specified conditions." These vehicles were considered registered highway vehicles under the proposed regulations. Under the final regulations, a vehicle will not be considered registered solely by reason of the fact that a special permit has been issued.

Noncommercial Aviation

Another commentator requested that § 48.4041-8(j) be rewritten to define noncommercial aviation so as to exclude from the tax imposed by section 4041 special fuel used in "carriage for hire" which is only an "incidental" use as opposed to a major enterprise for profit. The final regulations do not adopt this position because it is not authorized under section 4041(c).

The commentators suggested that a "good faith", rather than "reasonable diligence", test should be imposed on

sellers under § 48.4041–11(d)(5), relating to tax-free sales of fuel for use in noncommercial aviation. It was determined, however, that sellers should exercise reasonable diligence in ascertaining that the liquid fuel is not being used in noncommercial aviation.

Paperwork Reduction Act

The collection of information requirements contained in these final regulations have been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act. These regulations have been approved by OMB (control number 1545–0023).

Regulatory Flexibility Act and Executive Order 12291

The Commissioner of Internal Revenue has determined that this final rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required. Although a notice of proposed rulemaking which solicited public comments was issued, the Internal Revenue Service concluded when the notice was issued that the regulations are interpretative and that the notice and public procedure requirement of 5 U.S.C. 553 did not apply. Accordingly, the final regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. 6).

Drafting Information

The principal author of this regulation is William A. Jackson of the Legislation and Regulations Division, 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

26 CFR Part 48

Agriculture, Arms and munition, Coal, Excise taxes, Gasohol, Gasoline, Motor Vehicles, Petroleum, Sporting goods, Tires.

26 CFR Part 154

Aircraft, Airports, Excise Taxes, Airway Revenue Act of 1970.

26 CFR Part 602

Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Parts 48, 154 and 602 are amended as follows:

PART 48—[AMENDED]

Paragraph 1. The authority citation for Part 48 continues to read as follows:

Authority: 26 U.S.C. 7805.

§§ 48.4041, 48.4041–1 and 48.4041–2 [Removed]

Par. 2. Sections 48.4041, 48.4041–1, and 48.4041–2 are removed and new §§ 48.4041–1 and 48.4041–2 are added immediately after § 48.0–5 and the heading for Subpart B–E. The new sections read as follows:

Subpart F—Special Fuels

§ 48.4041–1 Taxes on diesel fuel, special motor fuel, and fuel used in noncommercial aviation.

(a) *In general.* Section 4041 imposes an excise tax at the retail level on the sale of diesel fuel for use as a fuel in a diesel-powered highway vehicle, special motor fuel for use as a fuel in a motor vehicle or motorboat, and fuel for use in an aircraft in noncommercial aviation. A tax is also imposed when these liquid fuels are purchased tax-free and subsequently used for one of the above-mentioned purposes, or when these liquid fuels are purchased at one rate of tax and a higher rate of tax applies as a result of the use made of the liquid fuels.

(b) *Rates of tax.* Following are the rates of tax per gallon applicable to liquid fuels taxable under section 4041.

(1) *Diesel fuels.* (i) Before April 1, 1983, diesel fuel sold for use or used as a fuel in a diesel-powered highway vehicle that at the time of the sale or use is—

(A) Registered or required to be registered for highway use—4 cents.

(B) Owned by the United States and used on the highway—4 cents.

(C) Not registered and not required to be registered for highway use—2 cents.

(D) Owned by the United States and not used on the highway—2 cents.

(E) A vehicle described in paragraphs (b) (1) (i) (A) or (B) of this section in which the fuel that is used before April 1, 1983, was purchased at the rate of 2 cents a gallon for use in a vehicle described in paragraphs (b) (1) (i) (C) or (D) of this section, an additional—2 cents.

(F) A vehicle described in paragraphs (b) (1) (i) (A) or (B) of this section in which the fuel that is used on or after April 1, 1983, and before August 1, 1984, was purchased before April 1, 1983, at a rate of 2 cents a gallon for use in a vehicle described in paragraphs (b) (1) (i) (C) or (D) of this section, an additional—7 cents.

(G) A vehicle described in paragraphs (b) (1) (i) (A) or (B) of this section in which the fuel that is used on or after August 1, 1984, and before October 1, 1988, was purchased before April 1, 1983, at a rate of 2 cents a gallon for use in a vehcile described in paragraphs (b) (1) (i) (C) or (D) of this section, an additional—13 cents.

(ii) On or after April 1, 1983, and before August 1, 1984, diesel fuel—

(A) Sold by any person to an owner, lessee, or other operator of a diesel-powered highway vehicle for use as a fuel in such a vehicle—9 cents.

(B) Used by any person as a fuel in a diesel-powered highway vehicle, unless there was a tax imposed by reason of paragraphs (b) (1) (i) or (ii) (A) of this section—9 cents.

(C) Sold for use or used in an off-highway business—no tax.

(D) On which no tax was imposed by reason of paragraph (b) (1) (ii) (C) of this section, relating to an off-highway business use, and is used before August 1, 1984, in other than an off-highway business use—9 cents.

(E) Sold before August 1, 1984, and on which no tax was imposed by reason of paragraph (b) (1) (ii) (C) of this section, relating to off-highway business use, and is used on or after August 1, 1984, in other than an off-highway business use—15 cents. For purposes of paragraphs (b) (1) (ii) (C), (D), and (E) of this section, the term "off-highway business use" has the same meaning given to such term by section 6421 (d) (2).

(iii) On or after August 1, 1984, and before October 1, 1988, diesel fuel—

(A) Sold by any person to an owner, lessee, or other operator of a diesel-powered highway vehicle for use as a fuel in such a vehicle—15 cents.

(B) Used by any person as a fuel in a diesel-powered highway vehicle, unless there was a tax imposed by reason of paragraphs (b) (1) (i), (ii), or (iii) (A) of this section—15 cents.

(C) Sold for use in an off-highway business use—no tax.

(D) On which no tax was imposed by reason of paragraph (b) (1) (iii) (C) of this section, relating to an off-highway business use, and which is used in other than an off-highway business use—15 cents. For purposes of paragraphs (b) (1) (iii) (C) and (D) of this section, the term "off-highway business use" has the same meaning given to such term by section 6421 (d) (2).

(2) *Special motor fuels.* (i) On or after January 1, 1979, and before April 1, 1983, special motor fuel—

(A) Sold by any person to an owner, lessee or other operator of a motor vehicle or motorboat for use as fuel in

such motor vehicle or motorboat—4 cents.

(B) Used by any person as a fuel in a motor vehicle or motorboat, unless there was a taxable sale of such liquid under paragraph (b) (2) (i) of this section—4 cents.

(C) Sold for use or used in a qualified business use, the tax imposed under paragraph (b) (2) (i) (A) and (B) of this section is—2 cents.

(D) On which tax was imposed at a rate of 2 cents a gallon by reason of paragraph (b) (2) (i) (C) of this section, relating to a qualified business use, is used in other than a qualified business use, an additional—2 cents.

(E) Sold before April 1, 1983, and on which tax was imposed at a rate of 2 cents a gallon by reason of paragraph (b) (2) (i) (C) of this section, relating to qualified business use, and which is used on or after April 1, 1983, and before October 1, 1988, in other than an off-highway business use, an additional—7 cents. For purposes of paragraphs (b) (2) (i) (C) and (D) of this section, the term "qualified business use" has the same meaning as that given to the term "off-highway business use" by section 6421 (d) (2).

(ii) On or after April 1, 1983, and before October 1, 1988, special motor fuel—

(A) Sold by any person to an owner, lessee or other operator of a motor vehicle or motorboat for use as a fuel in such motor vehicle or motorboat—9 cents.

(B) Used by any person as a fuel in a motor vehicle or motorboat, unless there was a tax imposed by reason of paragraph (b) (2) (i) or (ii) (A) of this section—9 cents.

(C) Sold for use or used in an off-highway business use—no tax.

(D) On which no tax was imposed by reason of paragraph (b) (2) (ii) (C) of this section relating to an off-highway business use, which and is used in other than an off-highway business use—9 cents. For purposes of paragraphs (b) (2) (ii) (C) and (D) of this section, the term "off-highway business use" has the same meaning given to such term by section 6241 (d) (2).

(3) *Noncommercial aviation.* (i) On or after July 1, 1970, and before October 1, 1980, any liquid—

(A) Other than any product taxable under section 4081, that is—

(*1*) Sold by any person to an owner, lessee or other operator of an aircraft, for use as a fuel in such aircraft in noncommercial aviation—7 cents.

(*2*) Used by any person as a fuel in an aircraft in noncommercial aviation, unless there was a taxable sale of such liquid under paragraph (b) (3) (i) (A) (*1*) of this section—7 cents.

(B) That is taxable under section 4081 and that is—

(*1*) Sold by any person to an owner, lessee or other operator of an aircraft for use as a fuel in such aircraft in noncommercial aviation—3 cents.

(*2*) Used by any person as a fuel in an aircraft in noncommercial aviation, unless there was a taxable sale of such liquid under paragraph (b) (3) (i) (B) (*1*)—3 cents.

(ii) On or after October 1, 1980, and before September 1, 1982, any liquid sold for use or used as a fuel in an aircraft in noncommercial aviation—no tax.

(iii) On or after September 1, 1982, and before January 1, 1988, any liquid—

(A) Other than any product taxable under section 4081, that is—

(*1*) Sold by any person to an owner, lessee or other operator of an aircraft for use as a fuel in such aircraft in noncommercial aviation—14 cents.

(*2*) Used by any person as a fuel in an aircraft in noncommercial aviation, unless there was a tax imposed by reason of paragraph (b) (3) (i) (A) (*1*) or (iii) (A) (*1*) of this section, or unless no tax was imposed by reason of paragraph (b) (3) (ii) of this section—14 cents.

(*3*) Used by any person as a fuel in an aircraft in noncommercial aviation where tax was imposed on the sale of such liquid—the excess of the rate set forth in paragraph (b) (3) (iii) (A) (*2*) of this section over the tax imposed on the sale.

(B) That is taxable under section 4081 and that is—

(*1*) Sold by any person to an owner, lessee or other operator of an aircraft for use as a fuel in such aircraft—the excess of 12 cents a gallon over the rate at which the tax was imposed under section 4081.

(*2*) Used by any person as a fuel in an aircraft in noncommercial aviation, unless there was a tax imposed by reason of paragraph (b)(3) (i)(B)(*1*) or (iii)(B)(*1*) of this section, or unless no tax was imposed by reason of paragraph (b) (3) (ii) of this section—the excess of 12 cents a gallon over the rate of which tax was imposed under section 4081.

(iv) On or after January 1, 1988, any liquid sold for use or used as a fuel in an aircraft in noncommercial aviation—no tax.

(c) *Credit for tax paid.* For a credit or refund for tax paid on diesel fuel, special motor fuel, or fuel used in noncommercial aviation that is resold, or used otherwise than for the purpose for which purchased, see section 6427(a).

§ 48.4041–2 Application of tax on sales of diesel fuel for use in diesel-powered highway vehicles.

(a) *In general*—(1) *Sales of diesel fuel before April 1, 1983.* The tax imposed by paragraph (1) of section 4041 (a) applies to the taxable sale of diesel fuel before April 1, 1983, by any person to an owner, lessee, or other operator of a diesel-powered highway vehicle for use as a fuel in the diesel-powered vehicle. The tax applies to diesel fuel sold for use in a diesel-powered highway vehicle, whether the vehicle actually is employed in highway or off-highway use.

(2) *Sales of diesel fuel on or after April 1, 1983, and before October 1, 1988.* The tax imposed by paragraph (1)(A) of section 4041 (a) applies to the taxable sale of diesel fuel on or after April 1, 1983, and before October 1, 1988, by any person to an owner, lessee, or other operator of a diesel-powered highway vehicle for use as a fuel in such a vehicle. The tax does not apply to diesel fuel sold for use in an off-highway business use.

(b) *Liability for tax.* The tax on the taxable sale of diesel fuel is payable by the person who sells the diesel fuel to the owner, lessee, or other operator of a diesel-powered highway vehicle.

(c) *Rate of tax*—(1) In general. Tax is imposed on the sale of diesel fuel at the rate applicable on the date on which the diesel fuel is sold. See § 48.4041–1 (b)(1) for rates. (2) *Diesel fuel sold before April 1, 1983.* For diesel fuel sold before April 1, 1983, for use in a diesel-powered highway vehicle, the test of taxability at the rate specified in § 48.4041–1(b)(1)(i)(A) is whether the vehicle in which the fuel is to be used is registered, or required to be registered, for highway use under the laws of any State or foreign country at the time of sale. Tax at a rate specified in that section applies to all fuel sold for use in a diesel-powered highway vehicle which is registered, or required to be registered, for highway use under the laws of any State or foreign country, even though the vehicle is seldom or never used on the highway and regardless of the proportion of the fuel used off the highway as compared to total fuel consumption.

(3) *Diesel fuel sold on or after April 1, 1983, and before October 1, 1988.* For diesel fuel sold for use in a diesel-powered highway vehicle on or after April 1, 1983, and before October 1, 1988, the test of taxability at the rate specified in paragraph (b)(1) (ii)(A) or (iii)(A) of § 48.4041–1 is whether the vehicle in which the fuel is to be used is a diesel-powered highway vehicle. The tax

applies to all fuel sold for use in a diesel-powered highway vehicle unless the diesel fuel is sold for use or used in an "off-highway business use" as defined in section 6421(d)(2).

(d) *Example.* Application of the tax to the sale of diesel fuel may be illustrated by the following example:

Example. The M Corporation is engaged in the construction of a power dam at a site removed from all public highways. Part of its construction equipment consists of diesel-powered shovels, bulldozers, and highway-type dump trucks. Some of the trucks are registered for highway use and are used both on and off the public roads. Others are not registered and under the applicable State law are not required to be registered for highway use because they are used entirely on the construction site. Before April 1, 1983, the diesel fuel sold for use in the registered dump trucks is all subject to tax at the rate specified in § 48.4041–1(b)(1)(i)(A), even though a portion of it is used off the public highway. Before April 1, 1983, the fuel sold for use in the nonregistered trucks, that are operated entirely off the highway, is taxable at the rate specified in paragraph (b)(1)(i)(C) of § 48.4041–1. On and after April 1, 1983, and before August 1, 1984, fuel sold for use in the registered trucks is taxable at the rate specified in § 48.4041–1(b)(1)(ii)(A), and the fuel sold for use in the nonregistered trucks that are operated entirely off the highway is exempt from tax as specified in § 48.4041–1(b)(1)(ii)(C), assuming the trucks are used in off-highway business uses. On and after August 1, 1984, and before October 1, 1988, fuel sold for use in the registered trucks is taxable at the rate specified in § 48.4041–1(b)(1)(iii)(A), and fuel sold for use in the nonregistered trucks is exempt from tax as specified in § 48.4041–1(b)(1)(iii)(C), assuming the trucks are used in off-highway business uses. No tax is payable with respect to the diesel fuel sold for use in the power shovels and bulldozers, since they are not "highway vehicles" as defined in § 48.4041–8(b).

(e) Cross references. (1) For the tax applicable in certain cases based on the use of diesel fuel as a fuel in a diesel-powered highway vehicle, see § 48.4041–6.

(2) For the definition of the terms "highway", "highway vehicle", "diesel-powered highway vehicle", "diesel fuel", and "registered", see paragraphs (a), (b)(1), (b)(4), (e), and (i) of § 48.4041–8, respectively. For the definition of the term "off-highway business use", see section 6421(d)(2).

(3) For the exemption from tax with respect to diesel fuel sold for use on a farm for farming purposes, or as supplies for vessels, see §§ 48.4041–9 and 48.4041–10, respectively.

(4) For the credit or refund of tax paid on diesel fuel resold or used for a purpose other than the purpose for which purchased, see section 6427(a).

§§ 48.4041–3—48.4041–10 [Removed]

§§ 48.4041–11—48.4041–14 Redesignated as §§ 48.4041–15–48.4041–18

Par. 3. Sections 48.4041–3, 48.4041–4, 48.4041–5, 48.4041–6, 48.4041–7, 48.4041–8, 48.4041–9, and 48.4041–10 are removed, and §§ 48.4041–11, 48.4041–12, 48.4041–13, and 48.4041–14 are redesignated as §§ 48.4041–15, 48–4041–16, 48.4041–17, and 48.4041–18, respectively.

Par. 4. Sections 48.4041–3 through 48.4041–14 are added immediately after § 48.4041–2T. The new sections read as follows:

§§ 48.4041–3 Application of tax on sales of special motor fuel for use in motor vehicles and motorboats.

(a) *In general.* The tax imposed by paragraph (2)(A) of section 4041 (a), (or before April 1, 1983, paragraph (1) of section 4041 (b)), applies to the taxable sale of special motor fuel by any person to an owner, lessee, or other operator of a motor vehicle or motorboat, for use as a fuel in the motor vehicle or motorboat. The tax does not apply to special motor fuel sold for use on or after April 1, 1983, and before October 1, 1988, in an off-highway business use.

(b) *Liability for tax.* The tax on the taxable sale of special motor fuel is payable by the person who sells the special motor fuel to the owner, lessee, or other operator of a motor vehicle or motorboat.

(c) *Rate of tax*—(1) *In general.* Tax is imposed on the sale of special motor fuel at the rate applicable on the date on which the special motor fuel is sold. See § 48.4041–1(b)(2) for rates. The test of taxability at the rates specified in § 48.4041–1(b)(2) (i)(A) and (ii)(A) is whether the fuel is to be used in a motor vehicle or motorboat. For purposes of paragraphs (c) (2) and (3) of this section, the term "qualified business use" has the same meaning as that given to the term "off-highway business use" by section 6421(d)(2).

(2) *Special motor fuel sold for use as a fuel in a motor vehicle.* Tax at the rates specified in paragraphs (b)(2) (i)(A) and (ii)(A) of § 48.4041–1 applies in the case of the sale of special motor fuel for use as a fuel in a motor vehicle. Tax at the rates specified in that section applies regardless of whether the motor vehicle is a highway vehicle. However, a reduced rate of tax from that imposed by paragraphs (b)(2)(i)(A) of § 48.4041–1 is allowed by paragraph (b)(2)(i)(C) of § 48.4041–1 if special motor fuel is sold for use in a qualified business use. An exemption from the tax imposed by paragraph (b)(2)(ii)(A) of § 48.4041–1 is allowed by paragraph (b)(2)(ii)(C) of § 48.4041–1 if the special motor fuel is sold for use in an off-highway business use.

(3) *Special motor fuel sold for use as fuel in a motorboat.* Tax at the rates specified in paragraphs (b)(2)(i)(A) and (ii)(A) of § 48.4041–1 applies in the case of the sale of special motor fuel for use as fuel in a motorboat. The qualified business use reduced rate of tax set forth in paragraph (b)(2)(i)(C) of § 48.4041–1 and the off-highway business use exemption set forth in paragraph (b)(2)(ii)(C) of § 48.4041–1 are not applicable to motorboats unless the motorboat is a vessel employed in the fisheries or whaling business. See section 6421(d)(2)(B).

(d) *Example.* Application of the tax to the sale of special motor fuels may be illustrated by the following example.

Example. The N Company is engaged in the manufacture of ceramic products. It has a vehicle which is used to haul clay from a clay pit to its factory. This vehicle has not been registered for highway use and under the applicable State law is not required to be registered for highway use since none of the hauling of clay is done on public highways. The N Company also uses a ditch digging machine in the vicinity of the clay pit for the construction of drains. A fork lift truck is used to move cartons of merchandise from place to place inside the company's warehouse and to assist in the loading of merchandise onto the company's highway trucks for delivery to purchasers. The highway trucks are registered by the State for use on highways. Special motor fuel is used for the operation of all of these items of equipment. Before April 1, 1983, the special motor fuel sold for use as a fuel in the registered highway trucks is subject to tax at the rate specified in § 48.4041–1(b)(2)(i)(A). On or after January 1, 1979, and before April 1, 1983, the special motor fuel sold for use as a fuel in the unregistered truck used to haul clay from the pit to the factory and in the fork lift truck, assuming both of these are used in qualified business uses, is subject to tax at the rate specified in § 48.4041–1(b)(2)(i)(C). If the unregistered truck and forklift are not used in qualified business uses, then the special motor fuel sold for use in these vehicles is taxable at the rate specified in § 48.4041–1(b)(2)(i)(A) since both are motor vehicles. No tax is payable with respect to the special motor fuel sold for use in the ditch digging machine since that machine is not a motor vehicle. On and after April 1, 1983, and before October 1, 1988, special motor fuel sold for use in the registered trucks is taxable at the rate specified in § 48.4041–1(b)(2)(ii)(A) because the trucks are motor vehicles. On and after April 1, 1983, and before October 1, 1988, special motor fuel sold for use in the unregistered truck and the fork lift, assuming that both vehicles are used in off-highway business uses, is exempt from tax as specified in § 48.4041–1(b)(2)(ii)(C). If the unregistered truck and fork lift are not used in off-highway business uses, then the special motor fuel sold for use in these vehicles is

taxable at the rate specified in § 48.4041–1(b)(2)(ii)(A) since both are motor vehicles. No tax is payable with respect to the special motor fuel sold for use in the ditch digging machine since that machine is not a motor vehicle.

(e) *Cross reference.* (1) For the tax applicable in certain cases based on the use of special motor fuel as a fuel in a motor vehicle or motorboat, see § 48.4041–6.

(2) For the definition of the terms "highway", "motor vehicle", "special motor fuel", and "registered", see paragraphs (a), (c), (f), and (i) of § 48.4041–8. For the definition of the term "off-highway business use", see section 6421(d)(2).

(3) For the exemption from tax with respect to special motor fuel sold for use on a farm for farming purposes or as supplies for vessels, see §§ 48.4041–9 and 48.4041–10, respectively.

(4) For credit or refund of tax paid on special motor fuel resold or used otherwise than for the purpose for which purchased, see section 6427(a).

§ 48.4041–4 Application of tax on sales of liquid for use as fuel in aircraft in noncommercial aviation.

(a) *In general.* The taxes imposed by subparagraphs (1)(A) and (2)(A) of section 4041(c) apply to the taxable sale of any liquid by any person to an owner, lessee, or other operator of an aircraft, for use as a fuel in the aircraft in noncommercial aviation.

(b) *Liability of tax.* The tax on the taxable sale of any liquid used as fuel in aircraft in noncommercial aviation is payable by the person who sells the liquid to the owner, lessee, or operator of an aircraft in noncommercial aviation.

(c) *Rate of tax.* Tax is imposed on the sale of liquids used as fuel in aircraft in noncommercial aviation at the rate applicable on the date on which the liquid is sold. See § 48.4041–1(b)(3) for rates.

(d) *Cross references.* (1) For the tax applicable on the basis of the use of fuel in an aircraft in noncommercial aviation, see § 48.4041–6.

(2) For the definition of the term "noncommercial aviation", see paragraph (j) of § 48.4041–8.

(3) For the exemption of tax with respect to liquids used as fuel in aircraft in noncommercial aviation sold for use on a farm for farming purposes or as supplies for vessels or aircraft, see §§ 48.4041–9 and 48.4041–10, respectively. For tax-free sales if sellers and purchasers are registered, see § 48.4041–11.

(4) For credit or refund of tax paid on fuel used in noncommercial aviation that is resold or used otherwise than for the purpose for which purchased, see section 6427(a).

(e) *Effective date.* The provisions of this section shall apply to sales or uses occurring before October 1, 1980, and to sales or uses occurring on or after September 1, 1982, and ending before January 1, 1988.

§ 48.4041–5 Sales of diesel and special motor fuels and fuel for use in aircraft; rules of general application.

(a) *Taxability of liquid fuel delivered into purchaser's tanks—(1) Fuel supply tanks.* The sale of diesel fuel to an owner, lessee, or other operator of a diesel-powered highway vehicle, or of special motor fuel to an owner, lessee, or other operator of a motor vehicle or motorboat, or of fuel to an owner, lessee, or other operator of an aircraft used in noncommercial aviation is considered a taxable sale of the liquid fuel if the liquid fuel is delivered by the seller into the fuel supply tank of the vehicle, motorboat, or aircraft. For purposes of this paragraph (a), liquid fuel sold at a location unattended by the seller (such as under a meter system) is considered to be delivered into the fuel supply tank by the seller. In this regard, see section 6427(a) for credit or refund of tax if liquid fuel acquired in a transaction subject to tax is used in a nontaxable use.

(2) *Bulk tanks.* The sale of diesel fuel to an owner, lessee, or other operator of a diesel-powered highway vehicle, or of special motor fuel to an owner, lessee, or other operator of a motor vehicle or motorboat, or of fuel to an owner, lessee, or other operator of an aircraft used in noncommercial aviation is considered a taxable sale of the liquid fuel if—

(i) The liquid fuel is delivered by the seller into a bulk supply tank (or other container) that is not the fuel supply tank of a vehicle, motorboat, or aircraft; and

(ii) The purchaser furnishes a written statement to the seller before or at the time of the sale stating that the entire quantity of the liquid fuel covered by the sale is for a taxable purpose as a fuel in such a vehicle, motorboat, or aircraft.

If the purchaser fails to provide the written statement required by paragraph (a)(2)(ii) of this section, the purchaser is liable for the tax on the later taxable sale or use. If a purchaser acquires both fuel that is to be used for taxable purposes and fuel that is to be used for nontaxable purposes, and the fuel that is to be used for taxable purposes is stored in a different storage tank (or container) from the tank used to store the fuel to be used for nontaxable purposes, the written statement described in paragraph (a)(2)(ii) of this section will relate to the fuel to be used for taxable purposes if proper records are kept by the purchaser that sufficiently identify the tanks (or containers) into which tax-paid fuel is delivered and the quantities of fuel delivered into those tanks (or containers). If only occasional sales for delivery into a bulk storage tank (or other container) are made to a purchaser, a separate statement must be furnished for each order. However, if sales are regularly or frequently made to a purchaser, a written statement covering all orders for a specified period not to exceed 12 calendar quarters is acceptable.

(b) *Sales for resale and to consignees.* (1) A sale to a dealer for resale is not subject to tax even if it is known at the time of the sale that the liquid fuel will be resold by the dealer for use as a fuel in a diesel-powered highway vehicle, motor vehicle, motorboat, or aircraft.

(2) The tax is payable by the person who makes the taxable sale. If a taxable liquid fuel is consigned to a person for sale and the consignor retains ownership in the liquid fuel until it is disposed of by the consignee, the consignor is the person liable for the tax when a taxable sale of the liquid fuel is made by the consignee. If the consignor transfers ownership in the taxable liquid fuel to the consignee before sale of the liquid fuel by the consignee, the consignee is the person liable for the tax upon a subsequent taxable sale of the liquid. However, if ownership of the liquid fuel is transferred back to the consignor or to another person before a taxable sale is made, as described in paragraph (a) of this section, and thereafter a taxable sale of the liquid fuel is made by such person or by another person acting as the person's agent, such person is liable for the tax. See paragraph (d) of § 48.4041–8 for definition of the term "taxable liquid fuel."

§ 48.4041–6 Application of tax on use of taxable liquid fuel.

(a) *In general—*(1) *Diesel fuel.* (i) If, before April 1, 1983, a person acquires any diesel fuel by any means other than through a transaction subject to tax under section 4041(a)(1) and uses it as a fuel in a diesel powered highway vehicle, the person is liable for a tax under section 4041(a)(2) on the quantity of diesel fuel so used at the appropriate rate set forth in § 48.4041–1(b)(1)(i). If a person acquired any diesel fuel through a transaction which is subject to tax at the rate set forth in paragraph (b)(1)(i)(C) or (D) of § 48.4041–1, and uses it for a use described in paragraph (b)(1)(i)

(A) or (B) of § 48.4041–1 the person is liable for an additional tax uder section 4041(a)(2) on the quantity of diesel fuel so used. See § 48.4041–1(b)(1)(i)(E), (F), or (G) for the applicable rate of tax. See section 6427(a) for credit or refund of tax where diesel fuel acquired in a transaction subject to tax at the rate set forth in paragraph (b)(1)(i) (A) or (B) of § 48.4041–1 is used as described in paragraph (b)(1)(i) (C) or (D) of § 48.4041–1 or in a nontaxable use.

(ii) On or after April 1, 1983, and before August 1, 1984, if a person acquires any diesel fuel by any means other than through a transaction subject to tax under section 4041(a)(1)(A) and uses it as a fuel in a diesel-powered highway vehicle, the person is liable for a tax under section 4041(a)(1)(B) on the quantity of diesel fuel so used at the appropriate rate set forth in paragraph (b)(1)(ii) of § 48.4041–1. If a person acquired any diesel fuel through a transaction for which no tax is imposed by reason of paragraph (b)(1)(ii)(C) of § 48.4041–1 and uses it in other than a nontaxable use, the person is liable for a tax under section 4041(a)(1)(B) on the quantity of fuel so used. See paragraph (b)(1)(ii) (D) or (E) of § 48.4041–1 for the applicable rate of tax. See section 6427(a) for credit or refund of tax where diesel fuel acquired in a transaction subject to tax at the rate set forth in paragraph (b)(1)(ii)(A) of § 48.4041–1 is used as described in paragraph (b)(1)(ii)(C) of § 48.4041–1 or in another nontaxable use.

(iii) On or after August 1, 1984, and before October 1, 1988, if a person acquires any diesel fuel by any means other than through a transaction subject to tax under section 4041(a)(1)(A) and uses it as a fuel in a diesel-powered highway vehicle, the person is liable for a tax under section 4041(a)(1)(B) on the quantity of diesel fuel so used at the appropriate rate set forth in paragraph (b)(1)(iii) of § 48.4041–1. If a person acquired any diesel fuel through a transaction for which no tax is imposed by reason of paragraph (b)(1)(iii)(C) of § 48.4041–1 and uses it in other than a nontaxable use, the person is liable for a tax under section 4041(a)(1)(B) on the quantity of fuel so used. See paragraph (b)(1)(iii)(D) of § 48.4041–1 for the applicable rate of tax. See section 6427(a) for credit or refund of tax where diesel fuel acquired in a transaction subject to tax at the rate set forth in paragraph (b)(1)(iii)(A) of § 48.4041–1 is used as described in paragraph (b)(1)(iii)(C) of § 48.4041–1 or in another nontaxable use.

(2) *Special motor fuel.* (i) On or after January 1, 1979, and before April 1, 1983, if a person acquired any special motor fuel by any means other than through a transaction subject to tax under section 4041(b)(1) and uses it as a fuel in a motor vehicle or motorboat, the person is liable for a tax under section 4041(b)(2) on the quantity of special motor fuel so used at the appropriate rate set forth in § 48.4041–1(b)(2)(i). If a person acquired any special motor fuel through a transaction with is subject to a tax at the rate set forth in paragraph (b)(2)(i)(C) of § 48.4041–1 and uses it in a use other than one for which the reduced rate applies, the person is liable for an additional tax under section 4041(b)(2) on the quantity of special motor fuel so used. See § 48.4041–1(b)(2)(i) (D) or (E) for the applicable rate of tax. See section 6427(a) for credit or refund of tax where special motor fuel acquired in a transaction subject to tax at the rate set forth in paragraph (b)(2)(i)(A) of § 48.4041–1 is used for a purpose described in paragraph (b)(2)(i)(C) of § 48.4041–1 or in a nontaxable use.

(ii) On or after April 1, 1983, and before October 1, 1988, if a person acquired any special motor fuel by any means other than through a transaction subject to tax under section 4041(a)(2)(A) and uses it as a fuel in a motor vehicle or motorboat, the person is liable for a tax under section 4041(a)(2)(B) on the quantity of spcial motor fuel so used at the appropriate rate set forth in paragraph (b)(2)(ii) of § 48.4041–1. If a person acquired any special motor fuel through a transaction for which no tax is imposed by reason of paragraph (b)(2)(ii)(C) of § 48.4041–1 and uses it in other than a nontaxable use, the person is liable for a tax under section 4041(a)(2)(B) on the quantity of fuel so used. See paragraph (b)(2)(ii)(D) of § 48.4041–1 for the applicable rate of tax. See section 6427(a) for credit or refund of tax where special motor fuel acquired in a transaction subject to tax at the rate set forth in paragraph (b)(2)(ii)(A) of § 48.4041–1 is used for a purpose described in paragraph (b)(2)(ii)(C) of § 48.4041–1 or in another nontaxable use.

(3) *Noncommercial aviation.* If a person acquires any liquid fuel by any means other than through a transaction subject to tax under section 4041(c)(1)(A) or section 4041(c)(2)(A) and uses it as fuel in an aircraft in noncommercial aviation, the person is liable for a tax under section 4041(c)(1)(B) or section 4041(c)(2)(B) on the quantity of the liquid fuel so used at the appropriate rate set forth in § 48.4041–1(b)(3).

(b) *Bulk purchases by users.* Taxpayers who purchase taxable liquid fuel in bulk delivered into storage tanks or other containers and use it for taxable or nontaxable purposes or in registered and nonregistered vehicles must maintain adequate records of all fuel used for each purpose to permit verification of the tax paid and of any credits, refunds, or exemptions claimed.

§ 48.4041–7 Dual use of taxable liquid fuel.

Tax applies to all taxable liquid fuel sold for use or used as a fuel in the motor which is used to propel a diesel-powered vehicle or in the motor used to propel a motor vehicle, motorboat, or aircraft, even though the motor is also used for a purpose other than the propulsion of the vehicle, motorboat, or aircraft. Thus, if the motor of a diesel-powered highway vehicle or a motorboat operates special equipment by means of a power take-off or power transfer, tax applies to all taxable liquid fuel sold for this use or so used, whether or not the special equipment is mounted on the vehicle or boat. For example, tax applies to diesel fuel sold to operate the mixing unit on a concrete mixer truck if the mixing unit is operated by means of a power take-off from the motor of the vehicle. Similarly, tax applies to all taxable liquid fuel sold for use or used in a motor propelling a fuel oil truck even though the same motor is used to operate the pump (whether or not mounted on the truck) for discharging the fuel into customers' storage tanks. However, tax does not apply to liquid fuel sold for use or used in a separate motor to operate special equipment (whether or not the equipment is mounted on the vehicle). If the taxable liquid fuel used in a separate motor is drawn from the same tank as the one which supplies fuel for the propulsion of the vehicle, a reasonable determination of the quantity of taxable liquid fuel used in such separate motor or during such period is acceptable for purposes of application of the tax. This determination must be based, however, on the operating experience of the person using the taxable liquid fuel, and the taxpayer must maintain records which support the allocation used. Devices to measure the number of miles the vehicle has traveled, such as hubometers, may be used in making a preliminary determination of the number of gallons of fuel used to propel the vehicle. In order to make a final determination of the number of gallons of fuel used to propel the vehicle, there must be added to this preliminary determination the amount of fuel consumed while idling or warming up

the motor preparatory to propelling the vehicle.

§ 48.4041-8 Definitions.

For purposes of the regulations in this subpart, unless otherwise expressly indicated:

(a) *Highway.* The term "highway" includes any road (whether a Federal highway, State highway, city street, rural road, or otherwise) in the United States which is not a private roadway.

(b) *Highway vehicle*—(1) *In general.* The term "highway vehicle" means any self-propelled vehicle, or any trailer or semi-trailer, designed to perform a function of transporting a load over highways, whether or not also designed to perform other functions, but does not include a vehicle described in paragraph (b)(2) of this section. For purposes of this definition, a vehicle consists of a chassis, or a chassis and a body if the vehicle has a body, but does not include the vehicle's load. Therefore, in determining whether a vehicle is a "highway vehicle", it is immaterial that the vehicle is designed to perform a highway transportation function for only a particular kind of load, such as passengers, furnishings and personal effects (as in a house, office, or utility trailer), a special type of cargo, goods, supplies, or materials, or, except to the extent otherwise provided in paragraph (b)(2)(i) of this section, machinery or equipment specially designed to perform some off-highway task unrelated to highway transportation. In the case of specially designed machinery or equipment, it is also immaterial, except as provided in paragraph (b)(2)(i) of this section, that such machinery or equipment is permanently mounted on the vehicle. For purposes of paragraph (b) of this section, the term "transport" includes the term "tow". A vehicle which is not a highway vehicle within the meaning of this paragraph shall be treated as a non-highway vehicle for purposes of section 4041. Examples of vehicles that are designed to perform a function of transporting a load over the public highways are passenger automobiles, motorcycles, buses, and highway-type trucks, truck tractors, trailers, and semi-trailers.

(2) *Exceptions*—(i) *Certain specially designed mobile machinery for nontransportation functions.* A self-propelled vehicle, or trailer or semi-trailer, is not a highway vehicle if it (A) consists of a chassis to which there has been permanentaly mounted (by welding, bolting, riveting, or other means) machinery or equipment to perform a construction, manufacturing, processing, farming, mining, drilling, timbering, or other operation similar to any one of the foregoing enumerated operations if the operation of the machinery or equipment is unrelated to transportation on or off the public highways, (B) the chassis has been specially designed to serve only as a mobile carriage and mount (and a power source, where applicable) for the particular machinery or equipment involved, whether or not such machinery or equipment is in operation, and (C) by reason of such special design, such chassis could not, without substantial structural modification, be used as a component of a vehicle designed to perform a function of transporting any load other than that particular machinery or equipment or similar machinery or equipment requiring such a specially designed chassis.

(ii) *Certain vehicles specially designed for off-highway transportation.* A self-propelled vehicle, or a trailer or semi-trailer, is not a highway vehicle if it is (A) specially designed for the primary function of transporting a particular type of load other than over the public highway in connection with a construction, manufacturing, processing, farming, mining, drilling, timbering, or other operation similar to any one of the foregoing enumerated operations, and (B) if by reason of such special design, the use of such vehicle to transport such load over the public highways is substantially limited or substantially impaired. For purposes of applying the rule of clause (b) of this paragraph (b)(2)(ii), account may be taken of whether the vehicle may travel at regular highway speeds, requires a special permit for highway use, is overweight, overheight or overwidth for regular use, and any other relevant considerations. Solely for purposes of determinations under this paragraph (b)(2)(ii), where there is affixed to the vehicle equipment used for loading, unloading, storing, vending, handling, processing, preserving, or otherwise caring for a load transported by the vehicle over the public highways, the functions are related to the transportion of a load over the public highways even though the functions may be performed off the public highways.

(iii) *Certain trailers and semi-trailers specially designed to perform nontransportation functions off the public highways.* A trailer or semi-trailer is not a highway vehicle if it is specially designed to serve no purpose other than providing an enclosed stationary shelter for the carrying on of a function which is directly connected with and necessary to, and at the off-highway site of, a construction, manufacturing, processing, mining, drilling, farming, timbering, or other operation similar to any one of the foregoing enumerated operations, such as a trailer specially designed to serve as an office for such an operation.

(3) *Optional application.* For purposes of section 4041, if any rules existing immediately prior to January 13, 1977, would, if applicable, unequivocally resolve an issue involving the definition of a highway vehicle with respect to a period prior to such date, at the option of the taxpayer, such rules existing prior to such date shall be applied to resolve the issue for all periods prior to such date, and the rules of paragraph (b) (1) and (2) of this section, which define the term "highway vehicle", shall not apply with respect to such issue for all periods prior to such date.

(4) *Diesel-powered highway vehicle.* The term "diesel-powered highway vehicle" means any highway vehicle (within the meaning of paragraph (b)(1) of this section) which is also a motor vehicle (as defined in paragraph (c) of this section) and which uses diesel fuel (as defined in paragraph (e) of this section) for propulsion purposes.

(c) *Motor vehicles.* The term "motor vehicle" includes all types of vehicles propelled by motor that are designed for carrying or towing loads from one place to another, regardless of the type of load or material carried or towed and whether or not the vehicle is registered or required to be registered for highway use. Included are fork lift trucks used to carry loads at railroad stations, industrial plants, warehouses, etc. The term does not include farm tractors, trench diggers, power shovels, bulldozers, road graders or rollers, and similar equipment which does not carry or tow a load; nor does it include any vehicle which moves exclusively on rails. For periods prior to January 6, 1977, a vehicle which is designed for towing, but not carrying, loads shall not be considered to be a motor vehicle.

(d) *Taxable liquid fuel.* The term "taxable liquid fuel" (or "taxable liquid") means any liquid which is either—

(1) Diesel fuel as defined in paragraph (e) of this section,

(2) Special motor fuel as defined in paragraph (f) of this section, or

(3) Any liquid fuel used in an aircraft in "noncommercial aviation", as defined in paragraph (h) of this section.

(e) *Diesel fuel.* The term "diesel fuel" means any liquid (other than a product taxable as gasoline under the provisions of section 4081) which is sold for use or used as a fuel in a diesel-powered highway vehicle.

(f) *Special motor fuel.* (1) The term "special motor fuel" includes any of the following sold for use or used as a fuel for the propulsion of a motor vehicle or motorboat:

(i) Liquefied petroleum gases (such as propane, butane, pentane, or methane, or mixtures of the same), or

(ii) Benzol, benzene, naptha, or any other liquid, whether a refined, partly refined, or unrefined product, 10 percent of which has been recovered when the thermometer reads 347° F. (175° C.) or 95 percent of which has been recoverd when the thermometer reads 464° F. (240° C.) when subjected to distillation in accordance with the "Standard Method of Test for Distillation of Gasoline, Naptha, Kerosene, and Similar Petroleum Products" (A.S.T.M. designation: D86) of the American Society for Testing Materials, regardless of the trade name under which sold.

(2) The term "special motor fuel" does not include diesel fuel or any product taxable under the provisions of section 4081, nor does it include "kerosene, gas oil, or fuel oil", as defined in paragraph (g) of this section.

(g) *Kerosene, gas oil, or fuel oil.* (1) The term "kerosene, gas, oil or fuel oil" means any product (i) 10 percent of which has not been recovered when the thermometer reads 347° F. (175° C.), and (ii) 95 percent of which has not been recovered when the thermometer reads 464° F. (240° C.), when subjected to distillation in accordance with the "Standard Method of Test for Distillation of Gasoline, Naptha, Kerosene, and Similar Petroleum Products" (A.S.T.M. designation: D86) of the American Society for Testing Materials.

(2) Products designated as kerosene, gas, oil, or fuel oil which do not fall within the specifications of both paragraphs (g)(1) (i) and (ii) of this section are taxable as special motor fuel if sold or used as a fuel in a motor vehicle or motorboat.

(h) *Fuel used in the aircraft in noncommercial aviation.* The term "fuel used in an aircraft in noncommercial aviation" means any liquid (including any product taxable under section 4081) that is sold for use or used as a fuel in an aircraft in noncommercial aviation (as defined in paragraph (j) of this section).

(i) *Registered.* The term "registered", when used with reference to a highway vehicle, means—

(1) Registered for highway use under the laws of any State, District of Columbia, or foreign country, or

(2) Required to be registered for highway use under the law of the State, District of Columbia, or foreign country in which it is operated or situated. Any highway vehicle which is operated under a dealer's tag, license, or permit is considered to be registered. A highway vehicle is not considered to be "registered" solely because there has been issued a special permit for operation of the vehicle at particular times and under specified conditions. However, a highway vehicle which is required to be registered and which also has been issued a special permit for operation of the vehicle under specified conditions, such as carrying an oversized load, is still considered to be "registered".

(j) *Noncommercial aviation.* The term "noncommercial aviation" means any use of an aircraft, other than in a business of transporting persons or property for compensation or hire by air. The term also includes any use of an aircraft, in a business described in the preceding sentence, which is properly allocable to any transportation exempt from taxes imposed by sections 4261 (transportation of persons) and 4271 (transportation of property) by reason of section 4281 (use of small aircraft on nonestablished lines) or 4282 (transportation of members of affiliated group).

§ 48.4041-9 Exemption for farm use.

(a) *In general.* The tax imposed by section 4041 does not apply to diesel fuel or special motor fuel, or fuel used in noncommercial aviation, sold for use or used on a farm in the United States for farming purposes. The tax applies in the case of diesel fuel delivered into the fuel supply tank of a highway vehicle, or special motor fuel delivered into the fuel supply tank of a motor vehicle or motorboat, even if it is known that the liquid fuel is to be used on a farm for farming purposes. Credit or refund of the tax paid in such case may be claimed as provided by section 6427(c) upon proof that the taxable liquid was used on a farm for farming purposes. A tax-free sale of fuel delivered into the fuel supply tank of an aircraft in noncommercial aviation where such fuel is to be used on the farm for farming purposes may be made only if the requirements of § 48.4041-11 are met. The terms "used on a farm for farming purposes", and related terms, have the same meaning for purposes of the exemption in section 4041(f) and the regulations in this section as these terms are defined in paragraphs (1), (2), and (3) of section 6420(c) and the regulations contained in § 48.6420-4.

(b) *Application of exemption.* The exemption referred to in paragraph (a) of this section does not apply with respect to diesel fuel or special motor fuel or fuel used in noncommercial aviation sold for use or used for nonfarming purposes, or diesel fuel or special motor fuel or fuel used in noncommercial aviation sold for use or used off a farm, regardless of the nature of the use. Thus, if a vehicle, motorboat, or aircraft is used both on a farm and off the farm, or if it is used on a farm both for farming and nonfarming purposes, the exemption applies only with respect to that portion of the diesel fuel or special motor fuel or fuel used in noncommercial aviation which is sold for use or used "on a farm for farming purposes". For purposes of this exemption, it is immaterial whether or not a vehicle is registered for highway use. However, the actual use of the vehicle and the place where it is used are material. For example, if a truck used on a farm for farming purposes is also used on the highways (even though in connection with operating the farm), tax applies to that diesel fuel or special motor fuel which is sold for use or used in operating the truck on the highways, since the fuel was used off the farm.

(c) *Termination of exemption.* The exemption referred to in paragraph (a) of this section shall not apply on and after October 1, 1988.

§ 48.4041-10 Exemption for use as supplies for vessels or aircraft.

(a) *Application of exemption.* The tax imposed by section 4041 does not apply to any fuels which are sold for use or used as supplies for vessels or aircraft within the meaning of section 4221(a)(3) and (d)(3), and § 48.4221-4. In the case of a liquid sold for use as fuel in an aircraft, a tax-free sale may be made only if the requirements of § 48.4041-11 are met. For credit or refund of tax paid on fuels which have been sold or used as supplies for vessels or aircraft, see section 6416(b)(2)(B), section 6427, and paragraph (f) of this section.

(b) *Evidence required to establish exemption.* (1) In order to establish exemption from tax in the case of a sale of fuels for use as supplies for vessels or aircraft, it is necessary that the seller obtain from the owner, charterer, or authorized agent of the vessel or aircraft and retain in its possession a property executed exemption certificate in the form prescribed by paragraph (c) of this section. If fuel is sold tax free for use as supplies for civil aircraft employed in foreign trade or in trade between the United States and any of its possessions, the exemption certificate must show the name of the country in which the aircraft is registered.

(2) If only occasional sales of fuels are made to a purchaser for use which is

exempt from tax as provided in this section, a separate exemption certificate must be furnished for each order. However, if sales are regularly or frequently made to a purchaser for such exempt use, a certificate covering all orders for a specified period not to exceed 12 calendar quarters is acceptable. Such certificates and proper records of invoices, orders, etc., relative to tax-free sales must be kept for inspection by the district director as provided in section 6001. If a seller's records with respect to any sale claimed to be tax free do not include a proper certificate, with supporting invoices and such other evidence as may be necessary to establish the exempt character of the sale, tax is payable by the seller on the sale.

(c) *Acceptable form of exemption certificate.* The following form of exemption certificate, which must be adhered to in substance, is acceptable for the purposes of this section.

Exemption Certificate

(For use by purchasers of fuels for use as supplies for certain vessels or aircraft (section 4041(g) of the Internal Revenue Code of 1954).)

(Date), 19— _____

The undersigned purchaser hereby certifies that he/she is the

_____

(owner, charterer, or authorized agent of owner or charterer)

of _____

(Name of company and vessel)

and that the fuel specified in the accompanying order, or as specified below or on the reverse side hereof, will be used only as fuel supplies for a vessel belonging to one of the following classes of vessels (including aircraft) to which section 4041(g) of the Internal Revenue Code applies: (Check class to which vessel belongs):

(1) Vessels (including aircraft) engaged in foreign trade.

(2) Vessels engaged in trade between the Atlantic and Pacific ports of the United States.

(3) Vessels (including aircraft) engaged in trade between the United States and any of its possessions.

(4) Vessels employed in the fisheries or whaling business.

(5) Vessels (including aircraft) of war of the United States or a foreign nation.

The undersigned understands that if the fuels are sold or used otherwise than as stated above and for a taxable purpose specified in section 4041 of the Internal Revenue Code, the undersigned will be liable for the tax upon such sale or use. It is also understood that this certificate may not be used in purchasing fuels, if such fuels are for use as fuels in pleasure vessels, or of any type of aircraft except (1) civil aircraft employed in foreign trade or trade between the United States and any of its possessions, and otherwise entitled to exemption, and (2) aircraft owned by the United States or any foreign country and constituting a part of the armed forces thereof.

The undersigned understands that the fraudulent use of this certificate to secure exemption will subject the undersigned and all others making fraudulent use to a penalty equivalent to the amount of tax due on the sale of the fuel and, upon conviction, to a fine of not more than $10,000, or to imprisonment for not more than 5 years, or both, together with the costs of prosecution. The purchaser also understands that it must be prepared to establish by satisfactory evidence the purpose for which the fuel purchased under this certificate was used.

(Signature) _____

(Address) _____

_____

Registration Number if fuel used as supplies for civil aircraft engaged in foreign trade or in trade between the United States and any of its possessions.

(d) *Exemption certificate not obtained prior to filing of seller's excise tax return.* If the exemption certificate is not obtained prior to the time the seller files a return covering taxes due for the period during which the sale was made, the seller must include the tax on the sale in its return for that period. However, if the certificate is later obtained, a claim for refund of the tax paid on the sale may be filed on Form 843, or a credit for the tax paid may be taken upon a subsequent return as provided by section 6416(b)(2)(B) and § 48.6416(b)–2(c).

(e) *Liability of purchaser.* The person who purchases fuels tax free as provided in this section is liable for the tax imposed by section 4041 if the person sells or uses such fuel in a sale or use that is not exempt under any provision of law applicable to the taxes imposed by section 4041.

(f) *Credit or refund.* (1) If diesel-fuel or special motor fuel upon which the tax imposed by section 4041(a) (1) or (2), has been paid, is sold or used as supplies for vessels, a credit or refund of the tax is available under section 6416(b)(2)(B) to the retail dealer who paid the tax. As an alternative, a credit or refund of tax is available under section 6427 to the operator of the vessel who used the fuel. Where the retail dealer claims refund of the tax, the dealer, in accordance with section 6416(a), must reimburse the operator of the vessel for the amount of tax or obtain the written consent of the operator to the filing of such claim.

(2) If aviation fuel upon which the tax imposed by section 4041(c) has been paid is sold or used as supplies for aircraft, credit or refund of the tax is available only as a payment under section 6427 to the operator of the aircraft who uses the fuel or to the person who resells the fuel for such use.

§ 48.4041–11 Tax-free sales of fuel for use in noncommercial aviation only if sellers and certain purchasers are registered.

(a) *In general.* Any sale of liquid fuel for delivery into a fuel supply tank of an aircraft is presumed to be subject to tax under section 4041(c), unless both the seller and purchaser of the liquid fuel are registered as provided in paragraph (b) of this section or are within one of he exceptions provided in paragraph (c) of this section.

(b) *Form of registration.* Except as provided in paragraph (c) of this section (relating to exceptions for State and local governments, for fuel purchased from customs bonded warehouses or continuous customs custody, and for fuel purchased for use in certain aircraft of the United States or of any foreign nation), tax-free sales under section 4041(c) may be made only if both the seller and the purchaser have registered as required by section 4041(i) and this paragraph (b). If fuel is purchased tax paid for use in noncommercial aviation but is used for a nontaxable purpose, see section 6427(a) for provisions relating to refunds or credits of tax for tax-paid fuels not used for the purpose for which sold. Any person desiring to be registered in order to sell or purchase fuel free of the tax imposed by section 4041(c) must, before making any tax-free sale or purchase, file Form 637A, in duplicate. Form 637A must be filed with the District Director of Internal Revenue for the district in which the principal place of business of the applicant is located (or if the applicant has no principal place of business in the United States, with the Director of International Operations, Internal Revenue Service, Washington, DC 20224). The person who receives a validated Certificate of Registry (Validated Form 637A) is considered to be registered for purposes of selling or purchasing fuel tax free as provided in this section.

(c) *Transactions excepted from registration.* (1) A State or local government purchasing fuel delivered into a fuel supply tank of an aircraft it operates for its exclusive use may, but is not required to, register as provided in this section.

(2) Any purchaser of aircraft fuel who purchases fuel from any customs bonded warehouse or from continuous customs custody elsewhere than in a bonded warehouse is not required to register to purchase aircraft fuel from these sources tax free.

(3) Any purchaser of fuel for use in an aircraft which is owned by the United

States or any foreign country and constitutes a part of the armed forces thereof is not required to register to purchase aircraft fuel tax free.

(4) The exceptions from registration in paragraphs (c) (1), (2), and (3) of this section do not relieve purchasers from the requirement of furnishing an exemption certificate as required by paragraph (d) of this section.

(d) *Evidence of tax-free sale.* (1) To establish the right of a purchaser to purchase fuel delivered into the fuel supply tank of an aircraft tax free, the seller must obtain from the purchaser and retain in its possession a certificate, properly executed and signed by or on behalf of the purchaser, containing the following information:

(1) Date of purchase,

(ii) The purchaser's registration number (or the exception from registration which is relied upon), and

(iii) A brief statement of the intended tax-free use of the fuel (for example, by an airline in the business of transporting persons or property for hire).

(2) The following form of certificate, which must be adhered to in substance, is acceptable for the purposes of this paragraph.

(Date)————————, 19 ——

The undersigned signifies that he/she, or the

————————————————

(Name of purchaser if other than undersigned)

of which the undersigned is

————————————————

(Title)

holds Certificate of Registry No.———— or has not registered because

————————————————

(Brief statement of exception from registration relied upon)

delivered into a supply tank of the subject aircraft may be purchased free of tax because the fuel will be used

————————————————

(Brief statement of tax-free use)

The undersigned understands that if the fuel is used otherwise than as stated above and for a purpose taxable under section 4041 of the Internal Revenue Code, the undersigned will be liable for the tax upon such use, and that the undersigned must be prepared to establish by satisfactory evidence the purpose for which the fuel purchased under this certificate was used.

The undersigned also understands that the fraudulent use of this certificate to secure exemption will subject the undersigned and all others making fraudulent use to a penalty equivalent to the amount of tax due on the sale of the fuel and, upon conviction, to a fine of not more than $10,000, or to imprisonment for not more than 5 years, or both, together with the costs of prosecution.

————————————————

(Signature)

————————————————

(Address)

(3) Except as provided in paragraph (d)(4) of this section, a separate exemption certificate must be furnished for each sale of fuel delivered into a fuel supply tank of an aircraft. If a portion of the fuel is intended to be used for a nontaxable purpose, the entire amount of the fuel may be sold tax free. Exemption certificates and proper supporting records such as invoices, orders, etc., relative to tax-free sales must be readily accessible for inspection by internal revenue officers and retained as provided in section 6001 of the Code and the regulations thereunder.

(4) If the purchaser of fuel to be used in an aircraft has reasonable grounds to believe that 90 percent or more of the total of the fuel to be purchased by it during a specified period not to exceed 12 calendar quarters will be used in a tax-free use, it may furnish each of its suppliers an exemption certificate covering all purchases for the specified period. The certificate shall be substantially in the same form as the certificate in paragraph (d)(2) of this section, except that in place of the date the purchaser shall specify the period covered by the certificate, and the purchaser shall give a brief explanation of its grounds for belief that 90 percent or more of its total fuel will be used in a tax-free use.

(5) The presumption under section 4041(i) that any liquid delivered into a fuel supply tank of an aircraft is taxable places the duty on the seller of the liquid fuel to use reasonable diligence to satisfy itself that a tax-free sale of fuel to the purchaser is allowed by law. In the absence of circumstances surrounding a sale that would raise a question as to whether a tax-free sale is allowable, the requirement of reasonable diligence is satisfied if the seller receives and retains the required certificate evidencing the right of the purchaser to buy the fuel tax free. However, if the circumstances are such as to indicate the seller has failed to use reasonable diligence, it is not relieved of liability for the tax imposed by section 4041(c). In addition, if the seller fails to obtain and retain the evidence of tax-free sales as required by this paragraph (d), it is not relieved of liability for the tax imposed by section 4041(c).

§ 48.4041-12 Sales by United States, etc.

The taxes imposed by section 4041 apply to the sale at retail of taxable liquid fuels by the United States or by any agency or instrumentality of the United States, unless by statute specifically exempted from these taxes. However, the exemptions from these taxes provided by section 4041 (f), (g), and (h) and the regulations thereunder contained in this subpart F are available to the extent therein provided.

§ 48.4041-13 Other credits or refunds.

(a) *In general.* For provisions relating to credit or refund of tax paid on taxable liquid fuel resold by the purchaser, or used otherwise than for the purpose for which purchased, see section 6427 and the regulations thereunder contained in Subpart O of this part.

(b) *Tax-paid liquid fuel used by local transit systems.* For provisions relating to credit or refund in the case of taxable liquid fuel used in vehicles while engaged in furnishing scheduled common carrier public passenger land transportation service along regular routes, see section 6427(b) and the regulations thereunder contained in Subpart O of this part.

(c) *Credit or refund of diesel fuel differential amount.* For provisions relating to an income tax credit or refund of the increased diesel fuel tax for original purchasers of diesel-powered automobiles and light trucks, see section 6427(g) and the regulations thereunder contained in Subpart O of this part.

§ 48.4041-14 Exemption for sale to or use by certain aircraft museums.

(a) *In general.* (1) The tax imposed by section 4041 does not apply to liquids which are sold for use or used by an aircraft museum in an aircraft or vehicle owned by such museum and used exclusively for the procurement, care, and exhibition of aircraft of the type used for combat or transport in World War II.

(2) In the case of liquid sold for use in an aircraft owned by an aircraft museum and to be used for the pruposes described in paragraph (a)(1) of this section, a tax-free sale may be made only if the requirements of § 48.4041-11 are met.

(b) *Cross reference.* For the definition of aircraft museum, see section 4041(h)(2).

PART 154—TEMPORARY REGULATIONS IN CONNECTION WITH THE AIRPORT AND AIRWAY REVENUE ACT OF 1970

Par. 5. The authority citation for Part 154 continues to read as follows:

Authority: 26 U.S.C. 7805.

§ 154.1–1 [Removed]

Par. 6. Section 154.1–1 is hereby removed.

Par. 7. The authority citation for Part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

§ 602.101 [Amended]

Par. 8. Section 602.101(c) is amended by inserting in the appropriate places in the table:

§ 48.4041–5(a)(2)	1545–0023
§ 48.4041–6(b)	1545–0023
§ 48.4041–7	1545–0023
§ 48.4041–10	1545–0023
§ 48.4041–11	1545–0023

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: September 17, 1985.

Ronald A. Pearlman,

Assistant Secretary of Treasury.

[FR Doc. 85–30771 Filed 12–31–85; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 950

Amendment to the Wyoming Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: OSM is announcing the approval of a proposed program amendment submitted by the State of Wyoming as a modification to its permanent regulatory program, hereinafter referred to as the Wyoming program, which the Secretary of the Interior conditionally approved under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment consists of revisions to the water quality provisions of the approved Wyoming program which are administered and enforced by the Wyoming Water Quality Division. The amendment revises language at the following Sections of Chapter X: Section 7 has been revised to make clear that submittal of an improved sedimentation structure control plan as required by the Water Quality Division Rules and Regulations is sufficient for permit application information requirements addressing runoff control facilities; section 9 has been revised to indicate that any enforcement of Chapter X would be invoked only if enforcement would also be required by SMCRA; Sections 2 through 6 have been revised to reflect modifications to the U.S. Environmental Protection Agency's (EPA) effluent limitation requirements for the coal industry. Specifically, the changes allow use of an effluent limitation for total settleable solids in certain instances, which will allow operations to construct sedimentation ponds of smaller volume while still being able to protect surface water quality; and lastly, Appendix A has been expanded by providing more guidance to operators concerning acceptable standards for the design and construction of runoff control facilities as well as related information requirements associated with permitting such structures. After considering all comments received, after conducting a thorough review of the proposed amendment and after receiving concurrence from the U.S. EPA, the Director has determined that the proposed modifications meet the requirements of SMCRA and the Federal regulations, and is approving the proposed amendment as submitted by Wyoming on June 19, 1985. The Federal regulations at 30 CFR Part 950 codifying decisions concerning the Wyoming program are being amended to implement this action.

This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to conform their programs to Federal standards in accordance with SMCRA without undue delay.

EFFECTIVE DATE: January 2, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry Ennis, Director, Casper Field Office, Office of Surface Mining Reclamation and Enforcement, Federal Building, 100 East "B" Street, Room 2128, Casper, Wyoming 82601–1918, Telephone: (307) 261–5824.

SUPPLEMENTARY INFORMATION:

I. Background

Information concerning the general background on the Wyoming program submission and the approval process, as well as the Secretary's findings, the disposition of comments and an explanation of the initial conditions of approval can be found in the November 26, 1980 **Federal Register** (45 FR 78637–78684). Subsequent actions on conditions of approval and program amendments are identified at 30 CFR 950.15.

II. Submission of Amendment

On January 22, 1985, the State of Wyoming submitted to OSM a proposed regulation package which addressed water quality standards and related provisions that were administered by the Wyoming Water Quality Division. OSM announced receipt of the material and a public comment period in the March 11, 1985 **Federal Register** (50 FR 9680). Subsequent to the close of OSM's comment period, the State of Wyoming conducted a public hearing on the draft water quality regulation package. As a result of comments received at the State conducted hearing, Wyoming made revisions to the draft water quality regulations package. Upon notification from the State, OSM stopped processing the material pending completion of revisions being made by Wyoming.

On June 19, 1985, the State of Wyoming submitted to OSM a revised proposed amendment to its approved permanent regulatory program. The amendment addressed definitions relating to water quality, application requirements for operations seeking discharge permits, effluent limitations for coal mining operations, water testing procedures, identification of discharge points, applications requirements for construction of sedimentation control facilities, enforcement of the water quality provisions and an Appendix outlining minimum design standards for sedimentation control facilities.

The July 19, 1985 **Federal Register** announced receipt of the proposed revisions and requested public comments on their adequacy (50 FR 29438). In that same notice, OSM announced that a public hearing would be held only if requested. No requests were received and no hearing was held. The public comment period closed on August 19, 1985.

III. Director's Findings

In accordance with SMCRA and 30 CFR 732.17, the Director finds that the proposed amendment as submitted by Wyoming on June 19, 1985, meets the requirements of SMCRA and 30 CFR Chapter VII. Only those provisions of particular interest or concern are discussed in the specific findings which follow. Discussion on only those provisions for which specific findings are made does not imply any deficiency in any provision not discussed. The provisions not specifically discussed are

found to be no less stringent than SMCRA and not less effective than the Federal rules. All of the amended provisions are cited at the end of this notice in the amendatory language for § 950.15.

The Director solicited the concurrence of the U.S. Environmental Protection Agency on the adequacy of the Wyoming amendent. On November 27, 1985, the U.S EPA provided to OSM its concurrence on the State's amendment with one exception. The EPA stated the Wyoming amendment did not conform to the applicable effluent limitations with respect to alternate storm limitations for sites with acid or ferruginous mine drainage. The State of Wyoming, in response to the EPA concern, provided to OSM on December 6, 1985, a letter certifying that should any acid or ferruginous mine discharges occur in Wyoming, the Department of Environmental Quality will apply the revised applicable EPA effluent limitations as published in the October 9, 1985 **Federal Register** (50 FR 41296).

1. Definitions

a. Wyoming had deleted from Chapter X, section 2, the definitions of the terms "Department" and "Composite sample." The first definition is being deleted because it is duplicative of the same definition found at section W.S. 35–11–103 of the Wyoming Environmental Quality Act. The second definition is being deleted because it is being replaced by a more specific definition of the term "Daily maximum". The Director finds the deletion of definitions of the terms "Department" and "Composite sample" and the addition of the definition of "daily maximum", are not inconsistent with the Federal provisions at 30 CFR 816.42.

b. Wyoming has added several definitions for terms associated with water quality and effluent limitations as they pertain to coal mining operations. Wyoming has provided definitions for the following terms: "Affected land", "Daily average", "Daily maximum", Instantaneous maximum", "Mine discharge" and "Process water". While neither the U.S. Environmental Protection Agency's rules at 40 CFR Part 934 nor the Office of Suface Mining rules at 30 CFR Chapter VII defines the above terms, the Director, after consulting with the U.S EPA, finds the definitions submitted by Wyoming not to be inconsistent with the Federal provisions.

2. Effluent Limitations for Surface Coal Mining Operations

Wyoming has revised Chapter X, section 4 concerning mine discharge and the applicable effluent limitations with which operators must comply. The revisions to this section were made by the Wyoming Water Quality Division to reflect modifications to the U.S. Environmental Protection Agency's effluent standards of 40 CFR Part 434. By letter dated August 5, 1980 (Administrative Record No. WY–220) and as discussed in Finding 13.C of the Secretary's conditional approval of the Wyoming program published November 26, 1980, the State explained that the Wyoming provisions were as effective as the Federal requirements because "Daily Maximum" is to be considered a representative sample. Additionally the standard for "Instantaneous maximum" represents one grab sample, not a representative sample.

The Director finds, based on his review, the approval of the U.S. EPA and the assurances from Wyoming certifying that should any acid or ferruginous mine discharges occur in Wyoming that it will apply the revised applicable EPA effluent limitations, that the effluent limitations proposed by Wyoming are no less effective than the requirements of 40 CFR Part 434.

3. Testing Procedure

Wyoming has revised Chapter X, section 5 concerning procedures to be followed in evaluating an operator's compliance with the applicable effluent limitations by requiring that all analyses be conducted in accordance with regulations adopted pursuant to section 304 (H) of the Federal Clean Water Act. The Director finds that State's provisions consistent with the Federal requirements of SMCRA and the Federal regulations.

4. Identification of Discharge Points

Wyoming has added a new section 6 at Chapter X which defines point source discharges as being process water or a combination of process water and water from affected land and requires that such points of discharge be identified in the discharge permit required for each mine. The State provision also provides an exclusion for discharges that consist solely of water discharged from affected lands in that such discharges need only comply with the effluent requirements of Chapter X, and not the information requirements necessary to obtain a discharge permit from the State. The Director finds that the Wyoming requirements are not inconsistent with the Federal provisions.

5. Construction Application Requirements

Wyoming has revised Chapter X, section 7 to allow for the submittal of a sedimentation structure control plan, as required by Chapter III of the Water Quality Division regulations, to satisfy the permit application requirements of the Land Quality Division concerning sedimentations ponds and runoff control facilities associated with surface coal mining operations. By reaching this agreement, the two regulatory agencies have eliminated the need for applicants to prepare and submit two separate permit applications. The Director finds that the action proposed by the Wyoming Water Quality Division and the Land Quality Division avoids unnecessary duplication of information being submitted by an applicant and also reduces the permitting workload of both divisions while at the same time satisfying the permitting requirements of both. The Director finds the proposed amendments submitted by Wyoming concerning construction application requirements not to be inconsistent with the Federal provisions.

6. Enforcement

Wyoming has revised Chapter X, section 9 to provide that any enforcement of Chapter X will be in accordance with the enforcement provisions of section 35–11–437 of the Wyoming Act to the extent that such violations would be subject to enforcement actions under the Surface Mining Control and Reclamation Act (Pub. L. 95–87).

The Director finds the enforcement provisions being revised by Wyoming are in accord with section 518 of SMCRA and consistent with the provisions of 30 CFR 845 and include the same or similar procedural requirements.

7. Appendix A

Wyoming has expanded Appendix A to Chapter X to more fully inform the surface coal mining industry as to the acceptable standards for the design and construction of sedimentation control facilities. The Director finds that the Wyoming Appendix accompanying Chapter X is not inconsistent with the standards criteria found in the Federal provisions at 30 CFR Subchapter K.

IV. Public Comments

Pursuant to section 503(b) of SMCRA and 30 CFR 732.17(h)(10)(i), comments were solicited from various Federal agencies, with comments received from the Department of Labor, the Department of Agriculture, Soil Conservation Service and the U.S. Fish and Wildlife Service.

The following discussion summarizes the comments received and the Director's responses.

1. The Department of Labor's Mine Safety and Health Administration stated that all impounding structures should have annual runoff accumulation capability. The Director agrees with the comment and directs the commenters attention to section 2 (a)(iv) of Appendix A of the Wyoming amendment. This section addresses storage capacities for sedimentation control facilities. The Section requires design computations for storage volume, adequate enough to include runoff from a 10 year-24 hour storm event.

2. The U.S. Fish and Wildlife Service stated that due to its primary interest in maintaining the biological quality of aquatic systems, it preferred a zero discharge requirement for coal mines and processing plants, if technically feasible. The commenter then recommended that if this is not feasible, then at least the biological integrity of the receiving body of water be maintained. The commenter expressed concern ever Wyoming's effluent limitation of 9.0 mg/l for iron stating that such concentration could be harmful to aquatic organisms. The Director points out to the commenter that Page 2 of EPA's: *Quality Criteria for Water* states that recommended criteria should not be confused with standards, which are legally enforceable. The effluent limitation for iron, as contained in Wyoming's proposed amendment, is no less effective than the effluent limitation for iron required by the U.S. EPA at 40 CFR Part 434.

3. The same commenter stated that Wyoming had deleted from the proposed amendment the requirement that point source discharges from surface coal mining runoff control facilities be at a minimum in compliance with the Wyoming Water Quality Rules. The Wyoming requirements at section 4(a) adequately address the U.S. Fish and Wildlife Services concerns in that all point source mine discharges shall meet certain effluent limitations. Section 4(a) then lists the effluent limitations that must be met. The effluent limitations identified in section 4(a) of Wyoming's amendment are the same as those required by the U.S. EPA at 40 CFR Part 434 and no less effective than the requirements at 30 CFR 816.42.

4. The USFWS also expressed concern that the monitoring and reporting requirements had been deleted from Wyoming's proposed amendment. The Director finds the provisions at Chapter IV, section 3.i. of the Wyoming permanent program regulations concerning surface and ground water monitoring requirements, to adequately address the commenter's concern and to be no less effective than the Federal requirements of 30 CFR 816.41(e).

5. The Department of Agriculture, Soil Conservation Service (SCS) commented on Wyoming's standards in Appendix A, section 2(b), concerning design and construction standards for dikes. The commenter suggested that Wyoming revise its provisions to adopt a specific recommended design standard. The Director, after evaluating the SCS recommendation finds the State's proposed provision, concerning the design of dikes to be no less effective than the Federal provisions at 30 CFR 816.49.

V. Director's Decisions

The Director, based on the above findings and receipt of concurrence from U.S. EPA, is approving the proposed amendment to the Wyoming program, as submitted to OSM on June 19, 1985, with the assurances contained in the December 6, 1985 letter. The Federal rules at 30 CFR Part 950 are being amended to implement this decision.

VI. Procedural Requirements

1. *Compliance with the National Environmental Policy Act:* 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.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 950

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: December 26, 1985.

Carl C. Close,

Acting Deputy Director, Operations and Technical Services, Office of Surface Mining.

PART 950—WYOMING

30 CFR 950 is amended as follows:

1. The authority citation for Part 950 continues to read as follows:

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

§ 950.15 [Amended]

2. 30 CFR 950.15 is amended by adding a new paragraph (g) to read as follows:

* * * * *

(g) The following amendment, as submitted to OSM on June 19, 1985, is approved effective January 2, 1986: Modifications to Chapter X and the accompanying Appendix A of the Rules and Regulations of the Water Quality Division of the Wyoming Department of Environmental Quality establishing performance and design standards for surface coal mining sedimentation control facilities.

[FR Doc. 85–30983 Filed 12–31–85; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that USS REUBEN JAMES (FFG 57) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a naval frigate. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: December 19, 1985.

FOR FURTHER INFORMATION CONTACT: Captain Richard J. McCarthy, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street,

Alexandria, VA 22332–2400, Telephone number: (202) 325–9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS REUBEN JAMES (FFG 57) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Rule 21(a), regarding the arc of visibility of the forward masthead light; Annex I, section 2(a)(i), regarding the height above the hull of the forward masthead light; and Annex I, section 3(b), regarding the horizontal relationship of the side-lights to the forward masthead light, without interfering with its special function as a naval frigate. The Secretary of the Navy has also certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Notice is also provided to the effect that USS REUBEN JAMES (FFG 57) is a member of the FFG 7 class of vessels for which certain exemptions, pursuant to 72 COLREGS, Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing tables of section 706.3, are equally applicable to this vessel.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform is military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (Water), and Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

1. The authority citation for 32 CFR Part 706 is revised to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

1. Table One of § 706.2 is amended by adding the following vessel:

Vessel	Number	Distance in meters of forward masthead light below minimum required height. 2(a)(i), Annex I
USS REUBEN JAMES	FFG 57	1.6

2. Table Four of § 706.2 is amended by adding to the existing paragraph 8 the following vessel:

On the following ships the arc of visibility of the forward masthead light required by Rule 23(a)(i) may be obstructed through 1.6° arc of visibility at the points 021° and 339° relative to the ship's head:

USS REUBEN JAMES FFG 57

3. Table Four of § 706.2 is amended by adding to the existing paragraph 9 the following vessel:

Sidelights on the following ships do not comply with Annex I, section 3(b):

Vessel	Number	Distance of sidelights forward of masthead light in meters
USS REUBEN JAMES	FFG 57	2.75

4. Table Five of § 706.2 is amended by revising the heading of column nine of the table to read as follows:

After masthead light less than ½ ship's length aft of forward masthead light. Annex I, sec. (3)(a)

Dated: December 19, 1985.

Approved:

John Lehman,

Secretary of the Navy.

[FR Doc. 85–30965 Filed 12–31–85; 8:45 am]

BILLING CODE 3810–01–M

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that USS SAMUEL B. ROBERTS (FFG 58) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a naval frigate. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: December 19, 1985.

FOR FURTHER INFORMATION CONTACT: Captain Richard J. McCarthy, JAGC, U.S. Navy Admiralty Counsel, Office of the Judge Advocate General Navy Department, 200 Stovall Street, Alexandria, VA 22332–2400. Telephone number: (202) 325–9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS SAMUEL B. ROBERTS (FFG 58) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Rule 21(a), regarding the arc of visibility of the forward masthead light; Annex I, section 2(a)(i), regarding the height above the hull of the forward masthead light; and Annex I, section 3(b), regarding the horizontal relationship of the sidelights to the forward masthead light, without interfering with its special function as a naval frigate. The Secretary of the Navy has also certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Notice is also provided to the effect that USS SAMUEL B. ROBERTS (FFG 58) is a member of the FFG 7 class of vessels for which certain exemptions, pursuant to 72 COLREGS, Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing tables of § 706.3, are equally applicable to this vessel.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of subjects in 32 CFR Part 706

Marine safety, Navigation (water), and Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

1. Table One of § 706.2 is amended by adding the following vessel:

Vessel	Number	Distance in meters of forward masthead light below minimum required height. Section 2(a)(i), Annex I
USS SAMUEL B. ROBERTS	FFG 58	1.6

2. Table Four of § 706.2 is amended by adding to the existing paragraph 8 the following vessel:

On the following ships the arc of visibility of the forward masthead light required by Rule 23(a)(i) may be obstructed through 1.6° arc of visibility at the points 021° and 339° relative to the ship's head:

USS SAMUEL B. ROBERTS FFG 58

3. Table Four of § 706.2 is amended by adding to the existing paragraph 9 the following vessel:

Sidelights on the following ships do not comply with Annex I, Section 3(b):

Vessel	Number	Distance of sidelights forward of masthead light in meters
USS SAMUEL B. ROBERTS	FFG 58	2.75

Dated: December 19, 1985.

Approved:

John Lehman,

Secretary of the Navy.

[FR Doc. 85-30966 Filed 12-31-85; 8:45 am]

BILLING CODE 3810-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 4F3027/R766; FRL-2947-7]

Cyano (3-Phenoxyphenyl)Methyl-4-Chloro-Alpha-(1-Methylethyl)Benzeneacetate; Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the insecticide cyano(3-phenoxypheny)methyl-4-chloro-alpha-(1-methylethyl)benzeneacetate in or on the crop grouping stone fruits, almonds, and almond hulls. This regulation to establish maximum permissible levels for residues of the insecticide in or on the commodities was requested pursuant to a petition by the Shell Oil Company.

EFFECTIVE DATE: Effective on January 2, 1986.

FOR FURTHER INFORMATION CONTACT:

By mail: George T. Larocca, Product Manager (PM) 15, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 207, CM #2, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2400).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of February 23, 1984 (49 FR 6794), which announced that the Shell Oil Co., 1025 Connecticut Ave., NW., Washington, DC 20036, had submitted pesticide petition 4F3027 to the Agency proposing to amend 40 CFR 180.379 by establishing tolerances for residues of the insecticide cyano(3-phenoxyphenyl)methyl-4-chloro-*alpha*-(1-methylethyl)-benzeneacetate in or on the raw agricultural commodities group stone fruits (apricots, sweet cherries, sour cherries, peaches, prunes (fresh), chicksaw plums, damson plums, Japanese plums, and nectarines) at 10.0 parts per million (ppm). In the **Federal Register** of August 14, 1985 (50 FR 32766), notice was given that the petition was subsequently amended to include almond nut meats at 0.2 ppm and almond hulls at 15.0 ppm.

The petition was subsequently amended to express the raw agricultural commodities as almonds at 0.2 ppm, almond hulls at 15.0 ppm, and stone fruits at 10.0 ppm.

There were no comments received in response to the notices of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data considered in support of the tolerance include an acute oral rat toxicity study with a median lethal dose (LD_{50}) of 1 to 3 grams (g)/kilogram (kg) (water vehicle) and 450.0 milligrams (mg)/kg of body weight (bw) in dimethylsulfoxide vehicle; a 90-day dog feeding study with a no-observed-effect level (NOEL) of 500 ppm (highest dose tested); a 90-day rat feeding study with a NOEL of 125 ppm; an 18-month mouse feeding study with a NOEL of less than 100 ppm, with no oncogenic effects noted under the conditions of the study at dosage levels of 100, 300, 1,000, and 3,000 ppm (3,000 ppm being the highest dosage level tested in the study); a 24-month mouse feeding study with a NOEL of 10 to 50 ppm for males and 50 to 250 ppm for females in which no oncogenic effects were noted at dosage levels of 10, 50, 250, and 1,250 ppm (1,250 ppm being the highest dosage level tested); a 24-month rat feeding study that demonstrated no oncogenic effects at 1,000 ppm (only level tested—significantly decreased body weight was observed at this dose level); a 2-year rat feeding study (no observable effects at dosage levels of 1, 2, 5, and 250 ppm, 250 ppm being the highest level fed); a 3-generation rat reproduction study with a NOEL of 250 ppm (highest level fed); teratology studies (in mice and rabbits, both negative at the highest dose of 50 mg/kg of bw/day); and the following mutagenicity studies: mouse dominant lethal (negative at 100 mg/kg of bw, which was the highest level fed); mouse host-mediated bioassay (negative at 50 mg/kg of bw, which was the highest level fed); Ames test *in vitro* (negative); and bone marrow cytogenetic study in the Chinese hamster (negative at 25 mg/kg of bw). The following studies assessing neurological effects were performed: a hen study negative at 1.0 gm/kg of bw for 5 days, repeated at 21 days; a rat (8-day) acute study with a NOEL of 200 mg/kg of bw; a 15-month rat feeding study which resulted in a systemic NOEL of 500 ppm and a NOEL of 1,500 ppm with respect to nerve damage.

The acceptable daily intake (ADI) is calculated to be 0.125 mg/kg/day based on the 2-year rat feeding study and using a 100-fold safety factor. The maximum permissible intake (MPI) has been calculated to be 7.5 mg/day for a 60-kg person. Published and pending tolerances result in a maximum theoretical residue contribution (TMRC) of 2.4569 mg/day based on a 1.5-kg diet and utilize 32.76 percent of the ADI. The establishment of this tolerance will increase the TMRC to 2.6439 mg/day (1.5 kg) and will utilize a total of 35.25 percent of the ADI.

The metabolism of the insecticide is adequately understood. An adequate analytical method, gas chromatography, is available for enforcement purposes. There will be no problem of secondary residues in meat, milk, poultry, and eggs from the proposed uses. There are currently no regulatory actions pending against continued registration of this insecticide.

The pesticide is considered useful for the purpose for which the tolerances are sought. It is concluded that establishment of the tolerances will protect the public health, and they are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the

Federal Register, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant impact on a substantial number of small entities.

A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: December 29, 1985.

Steven Schatzow,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR Part 180 is amended as follows:

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. Section 180.379 is amended by deleting the entry for peaches, as it is incorporated under the crop grouping stone fruits, and by adding and alphabetically inserting the following raw agricultural commodities, to read as follows:

§ 180.379 Cyano(3-phenoxyphenyl)methyl-4-chloro-alpha-(1-methylethyl)benzeneacetate; tolerances for residues.

* * * * *

Commodities	Parts per million
Almonds	0.2
Almond hulls	15.0
* * * * *	
Peaches [Removed]	[1] 10.0
* * * * *	
Stone fruits	10.0
* * * * *	

[1] Removed.

[FR Doc. 85–30989 Filed 12–31–85; 8:45 am]

BILLING CODE 6560–50–M

Proposed Rules

Federal Register
Vol. 51, No. 1
Thursday, January 2, 1986

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 THE TREASURY

Comptroller of the Currency

12 CFR Part 18

[Docket No. 85-19]

Disclosure of Financial and Other Information by National Banks

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Notice of hearing on a proposed rule.

SUMMARY: The Office of the Comptroller of the Currency (OCC) announces a forthcoming hearing on its proposed rule 12 CFR Part 18—Disclosure of Financial and Other Information by National Banks.

DATE: The hearing will be held at 10:00 am, central standard time, Thursday, January 9, 1986.

ADDRESS: The hearing will be held at the Palmer House in Chicago, Illinois.

FOR FURTHER INFORMATION CONTACT: Emily R. McNaughton, Commercial Examinations Divisions, Office of the Comptroller of the Currency, (202) 447-1164.

SUPPLEMENTARY INFORMATION: On October 30, 1985, the Office of the Comptroller of the Currency (OCC) published in the Federal Register its proposed amendments to 12 CFR Part 18—Disclosure of Financial and Other Information by National Banks. See 50 FR 45371. The proposal would increase the distribution and substance of the information national banks are required to disclose to shareholders and depositors. The purpose of the hearing is to gather information from those who would provide and use those disclosures. Of particular importance to the OCC are comments on several questions regarding the proposal, including:

- Content and structure of reports.
- Exemptions.
- Non-disclosure of supervisory information.
- Cost/benefit analysis.
- Implementation.

Those wishing only to submit written comments on the proposed OCC regulation should send them to Lynnette Carter, Office of the Comptroller of the Currency, Washington, DC 20219 by January 28, 1986. Those wishing to appear at this public hearing should submit their written request of Lynnette Carter at the above address by January 4, 1986, accompanied by a summary of the issues on which the witness wishes to comment, the names of other interested parties who may accompany the witness, and the length of time for the oral presentation. Those wishing to appear at this public hearing will have a copy of their entire statement entered into the official record of these proceedings.

It is expected that oral presentations will be limited to 10 minutes and that those comments will specifically address the disclosure issue.

Dated: December 26, 1985.

Robert L. Clarke,

Comptroller of the Currency.

[FR Doc. 85-30940 Filed 12-31-85; 8:45 am]

BILLING CODE 4810-33-M

FEDERAL RESERVE SYSTEM

12 CFR Part 204

[Reg. D; Docket No. R-0565]

Definition of Deposits and Technical Amendments

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rules.

SUMMARY: Pursuant to its authority under section 19 of the Federal Reserve Act, as amended, the Board requests comment on proposed amendments to 12 CFR Part 204 (Regulation D—Reserve Requirements of Depository Institutions). The amendments arise from the expiration of limitations on the payment of interest on deposits, other than demand deposits, under the Depository Institutions Deregulation Act of 1980 (Title II of Pub. L. 96-221) on March 31, 1986. On that date, legislative and regulatory authority for setting limitations on the payment of interest on deposits, other than demand deposits, expires along with express authority for setting mandatory early withdrawal penalties and the specific legislative mandate prescribing the terms and characteristics of Money Market Deposit Accounts. The proposed amendments redefine the terms "transaction account," "savings deposit," and "time deposit." The Board also proposes to make other technical amendments to Regulation D.

DATES: Comments on the proposed rule must be received no later than February 18, 1986. The final rule will be effective at the end of March 31, 1986.

ADDRESS: Interested parties are invited to submit written data, views, or arguments concerning the proposal to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551, or such comments may be delivered to Room B-2223 between 8:45 a.m. and 5:15 p.m. All comments should refer to Docket No. 0565. Comments may be inspected in Room B-1122 between 8:45 a.m. and 5:15 p.m. on business days, except as provided in §261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

FOR FURTHER INFORMATION CONTACT: John Harry Jorgenson, Senior Attorney (202/452-3778) or Patrick McDivitt, Attorney (202/452-3818), Legal Division, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: Section 19(b) of the Federal Reserve Act, 12 U.S.C. 461(b), as amended by the Monetary Control Act of 1980 (Title I of Pub. L. 96-221) provides the Board with the authority to impose reserve requirements on deposits held by depository institutions, and section 19(a) of that Act, 12 U.S.C. 461(a), gives the Board the authority to define terms used in section 19 and to prevent evasions of section 19. Pursuant to this authority, the Board promulgated Regulation D. Regulation D incorporates definitions of deposit categories that have been used to regulate the payment of interest on deposits under the Board's Regulation Q—Interest on Deposits (12 CFR Part 217). One such category is the money market deposit account ("MMDA").[1]

[1] Similar categories have been established under comparable authority of the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, and the National Credit Union Administration.

The Garn-St Germain Depository Institutions Act of 1982 (Pub. L. 97-320) mandated the creation of the MMDA which permitted depositors limited authority to withdraw funds by draft from the account. Senate Joint Resolution 97-271 (Pub. L. 97-457) also provided that the MMDA would not be considered as a transaction account for purposes of Regulation D. Consequently, Regulation D excluded the MMDA from the definitions of "transaction account" and "demand deposit" even though it was subject to drafts.

On March 31, 1986, the statutory authority mandating the MMDA and excluding it from the definition of "transaction account" and the regulations of the DIDC implementing the MMDA expire along with the regulatory limitations on the payment of interest on deposits.[2] In order to preserve the current treatment of MMDAs for reserve requirement purposes, the Board proposes to amend its definition of "savings deposit" to include explicitly the MMDA characteristics as a subcategory in that definition in lieu of the current reference to the DIDC's rule authorizing the MMDA. Specifically, the Board proposes that transaction reserve requirements not be applied to MMDA-type savings deposits that conform to current regulatory limitations on withdrawals and transfers. Thus, the Board proposes that the definition describe MMDAs as a kind of savings account allowing up to six transfers per month by preauthorized, automatic, telephonic or other data transmission agreement, order, or instruction and no more than three of the six such transfers may be by check, draft or other similar order. In addition, the Board proposes to eliminate the current $150,000 limitation on business savings accounts, thus bringing the treatment of such accounts in line with the treatment of MMDAs.

When the limitations on rates of interest that may be paid on deposits expire, the express authority for a mandatory early withdrawal penalty also expires. This penalty has been used by the Board to define deposit categories for the purposes of Regulation D as well as to regulate the payment of interest on deposits under its Regulation Q. In order to preserve the distinction between time deposits and transaction accounts for reserve requirement purposes and to enforce the current one and one-half year maturity break on reservable and nonreservable nonpersonal time deposits, the Board is redefining time deposits to require a penalty for certain early withdrawals if such withdrawals are permitted. The amendments are discussed in detail below.

Changes to the Definitions of Certain Types of Deposits

1. Currently, the Board's Regulation D imposes, subject to certain adjustments and deductions, a 12 percent reserve requirement on transaction accounts and a 3 percent reserve requirement on nonpersonal savings deposits and on nonpersonal time deposits with original maturities or notice periods or less than one and one-half years. In § 204.2(e) of Regulation D, the Board currently defines a "transaction acccount" to be any deposit payable on demand or any account from which the depositor is permitted to make withdrawals by negotiable or transferable instrument, payment orders of withdrawal, telephone transfers, or other similar device for the purpose of making payments to third parties.

The Board excludes from the definition of "transaction account" savings accounts that permit the depositor to make withdrawals for the purpose of making transfers to other accounts of the depositor or for covering or making third-party payments if the transactions are of a certain type and if the number of transactions is limited. For example, an account is not a "transaction account" if the depositor is permitted to make no more than three withdrawals per month or four-week statement cycle by means of a preauthorized or telephone or data transmission agreement, order, or instruction for the purpose of transferring funds to another account, including a transaction account, or for the purpose of making a third party payment.

As a general rule, the Board considers any account that permits the depositor to make withdrawals or third party payments by means of a check, draft or other similar order to be a "transaction account". However, the Board excludes from the definition of "transaction account" any money market deposit account ("MMDA") from which the depositor is permitted to make no more than six transfers per month or statement cycle of at least four weeks to another account, to the institution itself, or to a third party by means of a preauthorized, automatic, or telephonic or data transmission agreement, order, or instruction and no more than three of the six such transfers may be by check or draft or other similar order drawn by the depositor.

The Board believes that the regulations that created the MMDA and the statutory provisions excluding MMDAs from the definition of "transaction account" will expire on March 31, 1986, at the same time authority governing the limitations of the rates of interest paid on deposits expires. The Board proposes to retain in its Regulation D its current treatment of the MMDA. Such amounts would continue to be excluded from the definition of "transaction account" provided they meet the regulatory limitations on withdrawals which currently apply and the Board proposes will continue to apply to these accounts. Thus, such an account would not be subject to transaction account reserve requirements so long as the depositor is permitted to make no more than six transfers per month by means of preauthorized, automatic, or telephonic or data transmission agreement, order, or instruction and no more than three of these six transfers may be by check, draft, or other similar order drawn by the depositor. The transfer limitation would continue effectively to limit the scope of savings accounts' use for transaction purposes without placing undue burdens on current holders of MMDAs or unduly placing depository institutions at a competitive disadvantage with money market mutual funds. Any account that otherwise meets the definition of "money market deposit account" but that exceeds the six transfer rule (or three draft rule) and any other account that meets the definition of "savings deposit" but that exceeds the three transfer rule (none of which can be by check) would be considered a "demand deposit" (and thus under a related provision in the Board's Regulation Q (12 CFR Part 217) could not earn interest) unless the depositor is eligible to maintain a NOW account or an ATS account; in such a case, the account would be considered a NOW account.

2. The Board also proposes to amend its definition of "savings deposit" in Regulation D to remove the $150,000 limitation on business savings accounts. This limitation now applies to ordinary passbook and statement savings accounts but not to MMDAs.

3. Currently, section 19(j) of the Federal Reserve Act provides that a depositor may withdraw funds from a time deposit before maturity only under the rules and regulations of the Board. A mandatory early withdrawal penalty helps to distinguish transaction accounts from time deposits and to enforce the

[2] Statutory limitations, such as the prohibitions against the payment of interest on demand deposits and the eligibility requirements on NOW accounts and ATS accounts, are not affected by the expiration.

differences in maturities on time deposits as well as to enforce interest rate ceilings. The express statutory authority to prescribe rules regarding withdrawals expires on March 31, 1986, however, and the Board no longer will require such a penalty under that authority. Nevertheless, the Board still believes that the early withdrawal of the funds from time deposits undermines the distinction between transaction accounts and time deposits and between deposits of varying maturities for monetary policy purposes under Regulation D. Therefore, the Board proposes to redefine "time deposit" to incorporate an early withdrawals where certain early withdrawals are permitted. A depository institution need not include the penalty where no early withdrawals are permitted but if it does permit certain early withdrawals without imposing any minimum penalty, the deposit may not be a "time deposit" for purposes of Regulation D.

The Board proposes to consider any deposit from which withdrawals are permitted within the first six days after the date of deposit to be a "time deposit" only if it meets the other criteria for a time deposit and is subject to a minimum penalty equal to seven days' simple interest on the amount withdrawn. If a nonpersonal time deposit has a stated maturity or notice period of one and one-half years or more, and if early withdrawals are permitted after six days but before one and one-half years after the date of deposit, it must be subject to a minimum penalty equal to one month's simple interest on the amount withdrawn in order to be treated as a "nonpersonal time deposit" with a maturity of one and one-half years or more for purposes of Regulation D. Any deposit failing to meet either the definition of "time deposit" or "savings deposit" will be considered a "transaction account" and will be subject to the appropriate reserve requirements.

In addition to their use in distinguishing between accounts, early withdrawal penalties help to reduce the adverse effects on the earnings and liquidity of depository institutions caused by early withdrawals. Early withdrawals can adversely affect the ability of institutions to balance maturities of assets and liabilities. The proposed penalties address reserve requirement concerns, but because they will not require penalties on all early withdrawals from time deposits, such penalties may not be sufficient for safety and soundness purposes. Accordingly, the Board will consult with the other federal depository regulatory agencies concerning the appropriate structure and use of these penalties to address concerns about safety and soundness.

4. Currently, the Board excludes from the term "transaction account" a savings deposit that permits the depositor to make no more than three preauthorized or telephone transfers per month and MMDAs with no more than six such transfers per month. The Board has been asked whether transfers by remote computer and other telecommunications access count toward these totals if the customer may electronically withdraw funds from such accounts and then redeposit the funds in a transaction or other account by means of an electronic device (such as a computer or touch tone telephone). The Board has concluded that each such withdrawal should be counted toward the monthly limitations because there is no practical difference between the customer using data signals from a site remote from the depository institution's premises to order transfers and using oral commands over the telephone to order transfers. These remote terminals would be distinguished from automatic teller machines ("ATMs") and remote service units ("RSUs").

5. The Board proposes to make technical amendments to other portions of the regulation to remove obsolete terms and requirements.

6. Finally, an additional reporting and reserve maintenance issue must be clarified. Because MMDA-type deposits held by depository institutions beginning with April 1, 1986, will be subject to the phase-in schedules for federal reserve requirements rather than to full reserve requirements, the Board has determined that, for weekly reporters, full reserves shall continue to be maintained on these deposits until the reserve maintenance period for nontransaction accounts beginning April 24, 1986, which corresponds to the computation period commencing March 25, 1986. For quarterly reporters, full reserves shall be maintained until the reserve maintenance period commencing April 17, 1986, which corresponds to the quarterly computation period beginning March 18, 1986.

Regulatory Flexibility Analysis

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires the Board to consider the impact of this proposal on small entities. In this regard, it is the Board's view that the proposal would not impose any additional reporting or recordkeeping requirements. The purpose of this proposal is to request comment on any alternatives that the public believes may be preferable to the Board's proposed amendment of its Regulation D set out below. Suggested alternatives will be considered when comments are reviewed. The proposed rule would apply to all depository institutions. It is not anticipated that the proposal will have a negative effect on the ability of small depository institutions to attract deposits.

List of Subjects in 12 CFR Part 204

Banks, banking, Federal Reserve System, Foreign banking.

Pursuant to its authority under section 19(a) of the Federal Reserve Act (12 U.S.C. 461(a)), the Board proposes to amend Part 204 as follows:

PART 204—[AMENDED]

1. The Authority citation for 12 CFR Part 204 continues to read:

Authority: Secs. 19, 25, 25(a) of the Federal Reserve Act (12 U.S.C. 461, 601, 611); and sec. 7 of the International Banking Act of 1978 (12 U.S.C. 3105), unless otherwise noted.

2. Section 204.2 would be amended by revising the introductory text to § 204.2, paragraph (b, (c), (d), (e)(1) and (2), (f)(1)(i), (ii), (v), and (3) to read:

§ 204.2 Definitions.

For purposes of this part, the following definitions apply unless otherwise specified:

* * * * *

(b)(1) "Demand deposit" means a deposit that is payable on demand, or a deposit issued with an original maturity or required notice period of less than seven days, or a deposit representing funds for which the depository institution does not reserve the right to require at least seven days' written notice of an intended withdrawal. Demand deposits may be in the form of (i) checking accounts; (ii) certified, cashier's and officer's checks (including checks issued by the depository institution in payment of dividends); (iii) traveler's checks and money orders that are primary obligations of the issuing institution; (iv) checks or drafts drawn by, or on behalf of, a non-United States office of a depository institution on an account maintained at any of the institution's United States offices; (v) letters of credit sold for cash or its equivalent; (vi) withheld taxes, withheld insurance and other withheld funds; (vii) time deposits that have matured or time deposits upon which the contractually required notice of withdrawal was given and the notice period has expired and which have not been renewed (either by action of the depositor or automatically under the terms of the deposit

agreement); (viii) an obligation to pay on demand or within six days a check (or other instrument, device, or arrangement for the transfer of funds) drawn on the depository institution, where the account of the institution's customer already has been debited; and (ix) the remaining balance in an account that meets the definition of "time deposit" in § 204.2(c) from which a partial early withdrawal has been made.

(2) The term "demand deposit" also includes: (i) any deposit described in § 204.2(d)(2)(i) if the depositor is authorized or permitted to exceed the transfer limitation specified in that section unless the depositor is eligible to hold an ATS account; and (ii) any deposit described in § 204.2(d)(2)(ii) if the depositor is authorized or permitted to exceed the transfer limitations specified in that section unless the depositor is eligible to hold a NOW account.

(3) "Demand deposit" does not include: (i) any obligation that is a time deposit under § 204.2(c)(2)(ii); or (ii) checks or drafts drawn by the depository institution on the Federal Reserve or on another depository institution.

(c)(1) "Time deposit" means a deposit with a stated maturity of at least seven days and that the depositor does not have a right and is not permitted to withdraw for a period within six days after the date of deposit unless the deposit is subject to an early withdrawal penalty of at least seven days interest on amounts withdrawn within the first six days after deposit. A time deposit from which a partial early withdrawal is made ceases to be a "time deposit" on the date of withdrawal unless the remaining balance is placed in a new account meeting the definition of "time deposit." An account that otherwise meets the definition of "time deposit" but does not require such a penalty is a "transaction account".[3] "Time deposit" includes funds: (i) Payable on a specified date not less than seven days after the date of deposit; (ii) payable at the expiration of a specified time not less than seven days after the date of deposit; (iii) payable only after the depositor gives the depository institution actual written notice of an intended withdrawal and the notice is received prior to the time required in the contract which cannot be less than seven days prior to withdrawal; and (iv) held in "club" asccounts (such as "Christmas club" accounts and "vacation club" accounts not maintained as "savings deposits") that are deposited under written contracts providing that no withdrawal shall be made until a certain number of periodic deposits have been made during a period of not less than three months even though some of the deposits may be made within six days from the end of the period.

(2) The term "time deposit" also includes (i) a "savings deposit"; and (ii) borrowings, regardless of maturity, represented by a promissory note, and acknowledgement of advance, or similar obligation described in § 204.2(a)(1)(vii) that is issued to, or any bankers' acceptance (other than the type described in 12 U.S.C. 372) of the depository institution held by: (A) any office located outside the United States of another depository institution or Edge or agreement corporation organized under the laws of the United States; (B) any office located outside the United States of a foreign bank; or (C) a foreign national government, or an agency or instrumentality thereof,[4] engaged principally in activities which are ordinarily performed in the United States by governmental entities, (D) an international entity of which the United States is a member, or (E) any other foreign, international, or supra national entity specifically designated by the Board.

(3) A time deposit may be represented by a transferable or nontransferable, or a negotiable or nonnegotiable, certificate, instrument, passbook, statement, or otherwise. A "time deposit" includes share certificates and certificates of indebtedness issued by credit unions, and certificate accounts and notice accounts issued by savings and loan associations.

(d)(1) "Savings deposit" means a deposit or account with respect to which the depositor is not required by the deposit contract but may at any time be required by the depository institution to give written notice of an intended withdrawal not less than seven days before withdrawal is made, and that is not payable on a specified date or at the expiration of a specified time after the date of deposit. The term "savings deposit" includes a regular share account at a credit union and a regular account at a savings and loan association.

(2) The term "savings deposit" also includes: (i) A deposit that otherwise meets the definition of "savings deposit" and which, under the terms of the deposit contract or by practice of the depository institution, the depositor is permitted or authorized to make no more than three withdrawals per month or statement cycle (or similar period) of at least four weeks for the purpose of transferring funds to another account (including a transaction account) or for making payment to a third party, other than the depository institution itself, by means of preauthorized or telephonic or data transmission agreement, order or instruction but it not allowed to make any withdrawals or transfers by check, draft or similar order (including by debit card or transfer at an ATM or RSU); and (ii) a deposit, commonly known as a "money market deposit account" ("MMDA"), that otherwise meets the definition of "savings deposit" and which, under the terms of the deposit contract or by practice of the depository institution, the depositor is permitted or authorized to make no more than six transfers per month or statement cycle (or similar period) of at least four weeks to another account (including a transaction account) of the depositor at the same institution, to the institution itself, or to a third party by means of preauthorized, automatic or telephonic or data transmission agreement, order or instruction and no more than three of the six such transfers may be by check, draft or similar order (including debit card or transfer at an ATM or RSU) drawn by the depositor.

(3) A deposit may continue to be classified as a savings deposit even if the depository institution exercises its right to require notice of withdrawal.

(4) "Savings deposit" does not include funds deposited to the credit of the depository institution's own trust department where the funds involved are utilized to cover checks or drafts. Such funds are "transaction accounts."

(e)(1) "Transaction account" means a deposit or account on which the depositor or account holder is permitted to make withdrawals by negotiable or transferable instrument, payment orders of withdrawal, telephone transfers, or other similar device for the purpose of making payments or transfers to the institution itself, to other accounts of the depositor, or to third persons or others or from which the depositor may make third party payments at an automated teller machine ("ATM") or a remote service unit ("RSU"), or by debit card. "Transaction account" includes:

(i) Demand deposits;

(ii) Deposits or accounts subject to check, draft, negotiable order of withdrawal, share draft, or other similar

[3] A nonpersonal time deposit with a stated maturity of one and one-half years or more may be treated as having an original maturity of one and one-half years or more for reserve requirement purposes only if it is subject to the minimum penalty described in § 204.2(f)(3).

[4] Other than States, provinces, municipalities, or other regional or local governmental units or agencies or instrumentalities thereof.

item including the accounts authorized by 12 U.S.C. 1832(a) ("NOW accounts") on which the depository institution has reserved the right to require at least seven days' notice prior to withdrawal or transfer of any funds in the account provided that the account consists of funds in which the entire beneficial interest is held by a party eligible to have such an account as prescribed by 12 U.S.C. 1832(a)(1);

(iii) Deposits or accounts, such as accounts authorized by 12 U.S.C. 371a (automatic transfer accounts or "ATS accounts"), on which the depository institution has reserved the right to require at least seven days' notice prior to withdrawal or transfer of any funds in the account and from which more than three withdrawals per month may be made automatically through payment to the depository institution itself or through transfer of credit to a demand deposit or other account in order to cover checks or drafts drawn upon the institution or to maintain a specified balance in, or to make periodic transfers to, such other accounts provided that the account consists of funds in which the entire beneficial interest is held by one or more individuals as prescribed by 12 U.S.C. 371a;

(iv) Deposits or accounts maintained in connection with an arrangement that permits the depositor to obtain credit directly or indirectly through the drawing of a negotiable or nonnegotiable check, draft, order or instruction or other similar device (including telephone or electronic order or instruction) on the issuing institution that can be used for the purpose of making payments or transfers to third persons or others, or to a deposit account of the depositor.

(2) "Transaction account" does not include:

(i) Deposits or accounts defined in § 204.2(d)(2)(i) under the terms of which, or by practice of the depository institution, the depositor is permitted or authorized to make no more than three withdrawals per month for purposes of transferring funds to another account (including a "transaction account") or for making a payment to a third party by means of preauthorized, automatic, or telephonic or data transmission agreement, order, or instruction. An account that permits or authorizes more than three such withdrawals in a calendar month, or statement cycle (or similar period) of at least four weeks, is a "transaction account" regardless of whether more than the allowable number of withdrawals actually are made during such period. A "preauthorized transfer" includes any arrangement by the depository institution to pay a third party from the account of a depositor upon written or oral instruction (including an order received through an automated clearing house (ACH)) or by electronic instruction (including computer or touch-tone telephone), or any arrangement by a depository institution to pay a third party from the account of the depositor at a predetermined time or on a fixed schedule. Such an account is not a "transaction account" by virtue of an arrangement that permits withdrawals for the purpose of repaying loans and associated expenses at the same depository institution (as originator or servicer) regardless of the number of such transfers.

(ii) A deposit described in § 204.2(d)(2)(ii), commonly known as a "money market deposit account" ("MMDA"), that otherwise meets the definition of "savings deposit" and which, under the terms of the deposit contract or by practice of the depository institution, the depositor is permitted or authorized to make no more than six transfers per month or statement cycle (or similar period) of at least four weeks to another account (including a transaction account) of the depositor at the same institution, to the institution itself, or to a third party by means of preauthorized, automatic or telephonic or data transmission order or instruction and no more than three of the six such transfers may be by check, draft or similar order (including debit card) drawn by the depositor. Such an account is not necessarily a "transaction account" by virtue of an arrangement that permits withdrawals for the purpose of repaying loans and associated expenses at the same depository institution (as originator or servicer), but each such withdrawal must be counted as one of the permissible six transfers.

* * * * *

(f)(l) "Nonpersonal time deposit" means:

(i) A time deposit, including a savings deposit, representing funds in which any beneficial interest is held by a depositor which is not a natural person;

(ii) A time deposit, including a savings deposit, that represents funds deposited to the credit of a depositor that is not a natural person, other that a deposit to the credit of a trustee or other fiduciary if the entire beneficial interest in the deposit is held by one or more natural persons;

* * * * *

(v) A time deposit represented by a promissory note, an acknowledgment of advance, or similar obligation described in § 204.2(a)(1)(vii) that is issued to, or any bankers' acceptances (other than the type described in 12 U.S.C. 372) of the depository institution held by, (A) any office located outside the United States of another depository institution or Edge or agreement corporation organized under the laws of the United States, (B) any office located outside the United States of a foreign bank, (C) a foreign national government, or an agency or instrumentality thereof, [5] engaged principally in activities which are ordinarily performed in the United States by governmental entities, (D) an international entity of which the United States is a member, or (E) any other foreign, international, or supra national entity specifically designated by the Board.

* * * * *

(3) Any nonpersonal time deposit with a stated maturity or notice period of one and one-half years or more that permits early withdrawal must be subject to a minimum early withdrawal penalty equal to at least one month's simple interest on the amount withdrawn for any withdrawals that occur more than six days but within one-half years after the date of deposit or it will be regarded as a nonpersonal time deposit with an original maturity or notice period of from seven days to less than one and one-half years (and thus will be subject to a three percent reserve requirement).

* * * * *

By order of the Board of Governors of the Federal Reserve System, December 23, 1985.

William W. Wiles,

Secretary of the Board.

[FR Doc. 85-30740 Filed 12-31-85; 8:45 am]

BILLING CODE 6210-01-M

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12 CFR Part 217

[Reg. Q; Docket No. R-0566]

Interest on Deposits; Definition of Deposits and Technical Amendments

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Request for public comment on proposed rules and on technical amendments.

SUMMARY: Pursuant to its authority under section 19 of the Federal Reserve Act, as amended, the Board requests comment on its proposed amendments to 12 CFR Part 217 (Regulation Q—Interest on Deposits). The proposed amendments to Regulation Q redefine the categories of "deposit" for the

[5] Other than States, provinces, municipalities, or other regional or local governmental units or agencies or instrumentalities thereof.

purposes of Regulation Q. The amendments are being proposed due to the expiration of the Depository Institutions Deregulation Act of 1980 (Title II of Pub. L. 96-221; "DIDA") which mandated the phase-out of limitations on the payment of interest on deposits. These amendments would also have the effect of eliminating the $150,000 limit on business savings accounts as well as the sections of Regulation Q defining time and savings deposits, governing withdrawals from such deposits, setting early withdrawal penalties, and establishing account characteristics and interest rate ceilings. The amendments would define as a demand deposit any business account that otherwise meets the definition of "savings deposit" but that permits more than three preauthorized or telephone transfers per month and any business account that otherwise meets the definition of "money market deposit account" but that permits more than six such transfers or more than three checks or drafts to be drawn per month. No interest may be paid on such a demand deposit. when the Board issues its final rule, it intends to make other technical amendments to Regulation Q, to rescind some published interpretations of Regulation Q, and to revise other interpretations in order to reflect the changes it makes to the regulation resulting from this proposal.

DATES: Comments must be received no later than February 18, 1986. The final rule will be effective at the end of March 31, 1986.

ADDRESS: Comments, data, views, or arguments concerning the proposal from interested parties should refer to Docket No. R-0566 and should be submitted to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington DC 20551. Comments also may be delivered to Room B-2223 between 8:45 a.m. and 5:15 p.m. Comments may be inspected in Room B-1122 between 8:45 a.m. and 5:15 p.m. on business days, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

FOR FURTHER INFORMATION CONTACT: John Harry Jorgenson, Senior Attorney (202/452-3778), or Daniel L. Rhoads, Senior Attorney (202/452-3711), Legal Division, Board of Governors of the Federal Reserve System, Washington DC 20551.

SUPPLEMENTARY INFORMATION: Section 19(a) of the Federal Reserve Act, 12 U.S.C. 461(a), gives the Board the authority to issue rules defining terms used in section 19 in order to prevent evasions of that section. Section 19(i) of that Act (12 U.S.C. 371a) prohibits the payment by a member bank of interest on a demand deposit, and section 19(j) of that Act (12 U.S.C. 371b) gives the Board authority to issue rules governing the payment and advertising of interest on deposits.[1] Pursuant to this authority, the Board promulgated its current Regulation Q which regulates the payment of interest on deposits. The Board's authority under section 19(j) to issue rules governing the payment of interest on deposits, other than demand deposits, and the comparable authority of the Federal Deposit Insurance Corporation and the Federal Home Loan Bank Board expire with the expiration of the Depository Institutions Deregulation Act of 1980 at the end of March 31, 1986.

The expiration of the rules of the DIDC and of the authorities transferred to the DIDC at the end of March 31, 1986, will not affect section 19(i) of the Federal Reserve Act which prohibits the payment by a member bank of interest on a demand deposit. Nor will these expirations affect the authority of member banks to offer accounts that permit automatic transfers to checking accounts ("ATS accounts") as authorized by the last sentence of section 19(i) of the Federal Reserve Act (12 U.S.C. 371a) or to offer accounts subject to negotiable orders of withdrawal ("NOW accounts") as authorized by section 2(a) of Pub. L. 93-100 (12 U.S.C. 1832(a)).

The proposed amendments would revise the various "deposit" definitions and account characteristics found in §§ 217.1-217.7 of Regulation Q by removing account limitations and characteristics that expire at the end of March 31, 1986. The limitations and characteristics expiring on that date include the rules relating to penalties for early withdrawals from time deposits (§ 217.4) and the interest rate ceilings and account characteristics for time and savings deposits (primarily § 217.7). In addition, the Board is proposing to remove the $150,000 limitation on business savings accounts. In order to prevent savings accounts from being used to evade the prohibition against paying interest on demand deposits, the Board is proposing to amend the definition of demand deposit in Regulation D, which is incorporated by reference in Regulation Q, to include any business account that otherwise meets the definition of "savings deposit" but that permits the depositor to make more than three withdrawals per month by means of preauthorized or telephone transfer and any business account that otherwise meets the definition of "money market deposit account" but that permits the depositor to make more than six transfers per month by means of preauthorized or telephone transfer or, within these six transfers, permits more than three withdrawals by check, draft, or other order payable to a third party. Additional account characteristics affecting the payment of interest are also set forth in various Board interpretations and policy statements and in staff opinions and rulings. The revisions would render many of these interpretations, policy statements, and staff opinions unnecessary.

The Board also proposes to remove from Regulation Q the rules regarding withdrawals from savings deposits (§ 217.5). Many of the rules were used to ensure that savings deposits could not be used as demand deposits, but the redefinition of demand deposits, for the purposes of sections 19(b) and 19(i) of the Federal Reserve Act, make the savings withdrawal rules unnecessary.

Regulatory Flexibility Analysis

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires the Board to consider the impact of this proposal on small entities. In this regard, it is the Board's view that the proposal would not impose any additional reporting or recordkeeping requirements. The purpose of this proposal is to request comment on any alternatives that the public believes may be preferable to the Board's proposed amendment of its Regulation Q set out below. Suggested alternatives will be considered when comments are reviewed. The proposed rule would apply to commercial banks that are members of the Federal Reserve System although the Board expects that the Federal Deposit Insurance Corporation and the Federal Home Loan Bank Board will apply similar rules to the institutions they supervise. It is anticipated that the proposal will have little or no adverse effect on the ability of small depository institutions to attract deposits.

List of Subjects in 12 CFR Part 217

Banks, banking, Federal Reserve System, Foreign banking.

Pursuant to its authority under section 19 of the Federal Reserve Act (12 U.S.C. 461 et seq., 371a and 371b), the Board proposes to amend Part 217 as follows:

[1] The current advertising rule is codified in Regulation Q at 12 CFR 217.6—Advertising of Interest on Deposits. In a separate ruelmaking proceeding, the Board will be requesting comment on proposed revisions to its rules on member bank advertising of interest on deposits.

PART 217—[AMENDED]

1. The Authority citation for 12 CFR Part 217 is revised to read:

Authority: 12 U.S.C. 248, 371, 371a, 371b, 461, 1828, 3105, unless otherwise noted.

§§ 217.4, 217.5, and 217.7 [Removed]

2. Sections 217.3, 217.4, 217.5 and 217.7 of this part would be removed and §§ 217.0 through 217.2 would be redesignated as §§ 217.1 through 217.3 and revised to read:

§ 217.1 Authority, purpose, and scope.

(a) *Authority.* This regulation is issued under the authority of section 19 of the Federal Reserve Act (12 U.S.C. 371, 371a, 371b, 461), section 7 of the International Banking Act of 1978 (12 U.S.C. 3105), and section 11 of the Federal Reserve Act (12 U.S.C. 248), unless otherwise noted.

(b) *Purpose.* This regulation prohibits the payment of interest on demand deposits by member banks and other depository institutions within the scope of this regulation and sets forth requirements concerning the advertisement of interest on deposits by member banks and these other institutions.

(c) *Scope.* (1) This regulation applies to state chartered banks that are members of the Federal Reserve under section 9 of the Federal Reserve Act (12 U.S.C. 321, et seq.) and to all national banks. The regulation also applies to any Federal branch or agency of a foreign bank and to a State uninsured branch or agency of a foreign bank in the same manner and to the same extent as if the branch or agency were a member bank, except as may be otherwise provided by the Board, if:

(i) Its parent foreign bank has total worldwide consolidated bank assets in excess of $1 billion;

(ii) Its parent foreign bank is controlled by a foreign company which owns or controls foreign banks that in the aggregate have total worldwide consolidated bank assets in excess of $1 billion; or

(iii) Its parent foreign bank is controlled by a group of foreign companies that own or control foreign banks that in the aggregate have total worldwide consolidated bank assets in excess of $1 billion.

(2) For deposits held by a member bank or a foreign bank, this regulation does not apply to "any deposit that is payable only at an office located outside of the United States" (i.e., the States of the United States and the District of Columbia) as defined in § 204.2(t) of the Board's Regulation D—Reserve Requirements of Depository Institutions (12 CFR Part 204).

§ 217.2 Definitions.

For purposes of this part, the following definitions apply unless otherwise specified:

(a) "ATS account" means a deposit subject to automatic withdrawals or transfers authorized by 12 U.S.C. 371a, and on which the member bank has reserved the right to require at least seven days' notice prior to withdrawal or transfer of any funds in the account. Under the last sentence of that section, a member bank may permit withdrawals to be made automatically from a deposit that consists only of funds in which the entire beneficial interest is held by one or more individuals through payment to the bank itself or through transfer of credit to a demand deposit or other account pursuant to written authorization from the depositor to make such payments or transfers in connection with checks or drafts drawn on the member bank.

(b) "Demand deposit" means any deposit that is considered to be a "demand deposit" under § 204.2(b) of the Board's Regulation D—Reserve Requirements of Depository Institutions (12 CFR Part 204).

(c) "Deposit" means any liability of a member bank that is considered to be a "deposit" under § 204.2(a)(1) of the Board's Regulation D—Reserve Requirements of Depository Institutions (12 CFR Part 204).

(d) "Foreign bank" means any bank that is considered to be a "Foreign bank" under § 204.2(o) of the Board's Regulation D—Reserve Requirements of Depository Institutions (12 CFR Part 204).

(e) "Interest" means any payment to or for the account of any depositor as compensation for the use of funds constituting a deposit. A member bank's absorption of expenses incident to providing a normal banking function or its forbearance from charging a fee in connection with such a service is not considered a payment of interest.[2]

(f) "NOW account" means an account authorized by 12 U.S.C. 1832(a) on which the member bank has reserved the right to require at least seven days' notice prior to withdrawal or transfer of any funds in the account but only if the account consists of funds in which the entire beneficial interest is held by a party eligible to have such an account as prescribed by 12 U.S.C. 1832(a)(1).[3]

[2] The Board has issued an interpretation excluding premiums on deposits from the definition of "interest" in certain circumstances. See 12 CFR 217.147.

[3] The Board has issued an interpretation concerning NOW account eligibility. See 12 CFR 217.157.

§ 217.3 Interest on demand deposits.

Except as provided by section 19 of the Federal Reserve Act, no member bank of the Federal Reserve System shall, directly or indirectly, by any device whatsoever, pay any interest on any demand deposit. This prohibition does not apply to NOW accounts, ATS accounts, or accounts subject to withdrawals by telephonic or data transmission order or instruction which consist of funds, the entire beneficial interest of which is held by a party eligible to hold a NOW account.

* * * * *

By order of the Board of Governors of the Federal Reserve System, December 23, 1985.

William W. Wiles,

Secretary of the Board.

[FR Doc. 85-30741 Filed 12-31-85; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 556

[No. 85-1198]

Interstate Branching

December 20, 1985.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Federal Home Loan Bank Board ("Board") proposes to amend its statement of policy on branching by Federal savings and loan associations ("Federal associations") to provide: (1) General equality of Federal associations with the state chartered associations of a Federal association's home office state with respect to branching across state lines and (2) possibly broader branching rights for a Federal association acquiring a failing institution in the form of regional branching rights as well as single target state branching rights.

DATE: Comments must be received by February 3, 1986.

ADDRESS: Send comments to Director, Information Services Section, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street, NW., Washington DC 20552.

FOR FURTHER INFORMATION CONTACT: Winifred Sutton, Attorney, Blue Division (202) 377-7044; Terrill Rupp, Attorney, Blue Division (202) 377-6773; Stuart Rolfe, Attorney, Red Division, (202) 377-6755; Mary Rawlings-Milton, Chief Paralegal, Federal Savings and Loan Insurance Corporation Attorneys Group, (202) 377-7048), Office of the General Counsel, Federal Home Loan Bank

Board, 1700 G Street NW., Washington DC 20552.

SUPPLEMENTARY INFORMATION: The Board is authorized to regulate the operations of Federal associations by section 5 of the Home Owners' Loan Act of 1933, as amended ("HOLA"), 12 U.S.C. 1464, and it has regulated the branching of Federal associations under this authority. The Board's authority in this respect is plenary and not bounded by any restrictions of state law, and it is clear that the Board may authorize Federal associations to branch or acquire other federal associations by merger across state lines. *IBAA v. FHLBB*, 557 F. Supp. 23 (D.D.C. 1982).

Section 334 of the Garn-St Germain Depository Institutions Act of 1982 ("Garn-St Germain Act"), Pub. L. 97-320, 96 Stat. 1469, 1504, added a new subsection (r) to section 5 of the HOLA, 12 U.S.C. 1464(r), which recognized and confirmed the Board's authority to authorize interstate branching for Federal associations, but imposed a requirement that, with certain specific exceptions, any such Federal association branching across state lines must qualify as a domestic building and loan association under the Internal Revenue Code and meet the Code's asset composition test.

Regulatory Background

The Board permitted Federal associations to branch well before the publication of its first policy statement on branching in 1967, 32 FR 20630 (Dec. 21, 1967). The Board generally limited Federal associations to branching within the states of their home offices, however, until the issuance of an amendment to its statement of policy, Board Resolution No. 81-157, 46 FR 19221 (Mar. 30, 1981), to provide for interstate branch operations that resulted from certain supervisory acquisitions. The Board resolution provided in part:

> The scope of the interstate branching prohibition in § 556.5(a)(3) is qualified by the word "generally", which reserves to the Board discretion to approve interstate branch operations in special circumstances. The exceptional nature of acquisition transactions supervised by the Federal Savings and Loan Insurance Corporation (FSLIC) to prevent the failure of an insured institution gives rise to such special circumstances. Though the Board has authority to approve interstate acquisitions in supervisory cases, the Board's regulations do not presently set forth any policy guidelines regarding factors it will consider when deciding whether to exercise this authority.
>
> This resolution amends the Board's policy statement to clarify that the Board may approve a merger, consolidation, or purchase of assets involving a Federal association that would not otherwise be permissible under the general rule if (1) the proposed acquisition will be effected pursuant to a plan to prevent the failure of an institution insured by the FSLIC, (2) the Board determines that the insurance liability or risk of the FSLIC will be reduced as a result of the proposed acquisition, and (3) the Board determines that the insurance liability or risk of the FSLIC resulting from the proposed acquisition transaction will be substantially less than the liability or risk that would result from otherwise equally desirable acquisition alternatives, if any, that would not result in interstate branch operations.
>
> . . . It should be noted that the amendment accomplished by this Resolution applies only to the specific types of supervisory cases decribed therein. This final rule does not alter the Board's policy regarding interstate branching in non-supervisory contexts. With respect to supervisory cases to which the rule applies, the amendment does not alter the Board's long-standing preference for intrastate supervisory mergers and acquisitions.

The policy statement on interstate branching has been amended since the issuance of Resolution No. 81-157, by Resolution Nos. 81-496, 46 FR 45120 (Oct. 10, 1981), and 82-498, 47 FR 34125 (Aug. 6, 1982), but such amendments have clarified the original policy statement without altering its basic purposes and limitations. A proposed rule that would have enlarged the scope of interstate branching and acquisition by all institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation ("insured institutions") was published for notice and comment in 1983, but was not adopted. Board Resolution No. 83-244, 48 FR 20930 (May 10, 1983).

It should be noted that the Board has proposed new rules concerning branching across state lines within the region formed by the District of Columbia, Maryland, and Virginia in Resolution No. 85-1024, issued November 15, 1985, 50 FR 49937 (Dec. 6, 1985) which sets forth the history of earlier proposed rules on branching in that region. The proposed rule in this resolution is consistent with Resolution No. 85-1024.

It should also be noted that the Board may authorize acquisitions of failing insured institutions by out of state acquirers under the temporary authority of section 408(m) of the National Housing Act, 12 U.S.C. 1730a(m), added by section 123 of the Garn-St Germain Act, and the Board has employed this authority on several occasions. This extraordinary authority, which is separate from the Board's general rulemaking power over Federal association branching under section 5 of the HOLA, will expire on April 15, 1986, unless renewed by Congress. Housing and Community Development Programs, Extension, Pub. L. No 99-120, section 6(a), 99 Stat. 502, 504 (1985).

Proposed Revision

The Board proposes to revise its statement of policy in two respects: First, to provide Federal associations generally with the scope for branching and acquisitions across state lines that is provided by applicable state law for state chartered associations located in the state in which a Federal association's home office is located; second, to enlarge the scope of the branching rights that may be granted to a Federal association that acquires a failing institution by permitting the Board, in certain cases, to grant branching rights in a region that includes, but is not limited to, the state of the target failing institution rather, than restricting the acquirer to the state or states in which a target failing institution operates.

On June 10, 1985, the United States Supreme Court decided that state statutes that selectively authorized interstate branch acquisitions on a regional basis did not violate the "Douglas Amendment" to the Bank Holding Company Act or the Constitution of the United States. *Northeast Bancorp, Inc.*, v. *Board of Governors of the Federal Reserve System*, No. 84-363 (U.S. June 10, 1985).

Section 3(d) of the Bank Holding Company Act, 12 U.S.C. 1824(d), known as the "Douglas Amendment", prohibits the Board of Governors from approving an application of bank holding company or bank located in one state to acquire a bank located in another state unless the acquisition "is specifically authorize by the statute laws of the State in which such bank is located by language to that effect and not merely by implication." From 1956 to 1972, the Douglas Amendment had the effect of barring interstate bank acquisitions because no state had enacted the requisite authorizing statutes. Beginning in 1972, some states enacted statutes permitting such acquisitions in limited circumstances or for specific purposes. Beginning with Massachusetts in 1982, several states enacted statutes authorizing interstate acquisitions on a reciprocal basis within their geographical regions. In *Northeast Bancorp*, the Supreme Court upheld Massachusetts and Connecticut statues allowing regional acquisitions as consistent with the Douglas Amendment and the Bank Holding Company Act as a whole, and as not violating the Commerce Clause, the Compact Clause,

or the Equal Protection Clause of the United States Constitution.

In regulating branching of Federal associations generally, the Board has consistently provided Federal associations with potential branching rights at least as broad as those that would be provided by the laws of the state in which a federal association is located. The growth of "regional compacts" under state statutes affecting banking and thrift institutions has enlarged the possible scope of potential branching for some state chartered thrift institutions. It is consistent with the Board's previous policy that Federal associations have general equality in this respect.

The proposed rule would grant to Federal associations the capacity to branch across state lines in those circumstances in which state chartered institutions "of the savings and loan or savings bank type" would be permitted to do so. This language tracks provisions of section 5(r)(2)(C) of the HOLA, 12 U.S.C. 1464(r), added by the Garn-St Germain Act, which recognize the possibilty of such state statutes and, if such statutes exist, except similar interstate branching by Federal associations from the restrictions of section 5(r)(1) (requiring an association to meet thrift institution tests of the Internal Revenue Code). The proposed rule would not grant to a Federal association any greater capacity than that possessed by a state chartered institution in its home-office state; if a state chartered institution could branch only through acquisition, for example, a Federal association would be subject to the same limitations and could not branch *de novo* across state lines. It is not the Board's intention, however, that a Federal association be subject to any state regulatory approvals required by state law.

The Board also invites comment on that part of its proposal that provides in essence that a Federal association in a holding company structure may not exercise the new branching rights granted under this proposal to Federal associations generally if another insured institution in that structure possesses or exercises such rights. If more than one Federal association in a holding company structure might possess new branching rights under the rule in this resolution, the new rule includes provisions that select the Federal association that may exercise such rights; the appropriate association could be a parent holding company, an association located in a state already designated by a multiple savings and loan holding company, or an association not acquired under section 408(m) of the National Housing Act, 12 U.S.C. 1430a(m).

Since 1981, the Board has recognized that different rules should apply to the acquisition of branches and branching rights in connection with actions to prevent the failure of institutions the accounts of which are insured by the Federal Savings and Loan Corporation ("FSLIC"). The Board's basic policy initiative of 1981, granting interstate branching capacity in connection with the acquisition of a failing institution, preceded the Garn-St Germain Act and was fully implemented prior to the enactment of that statute. The proposed rule is consistent with that initiative. In a context of expanding opportunities for financial institutions, represented by the growth of "regional compacts", and increasing costs of FSLIC actions with respect to failing institutions, it is appropriate to modify the existing rules for the aquisition of failing institutions to provide a potential branching capacity that is more consistent with the greater opportunities now available to financial institutions and with the assistance programs of the FSLIC.

The proposed rule essentially permits the Board to allow a Federal association acquiring a failing institution to have entry into a region rather than being limited to the state of the failing target institution. The region may not exceed three states in addition to the state of the target, unless the target state is itself part of a regional compact spectfically authorized "by statute laws, by language to that effect and not merely by implication," in which case the Board may consider an application for branching capacity within the states of the regional compact even if in excess of four. The Board continues to favor limited interstate acquisitions and branching, however, and would give preference to simpler, limited applications, such as those seeking entry only into the state of a failing target institution, over those seeking wider capacity. The proposed rule sets forth a preference for applications contemplating a region of contiguous states, but does not prohibit the Board from allowing branching capacity in non contiguous states. It must be emphasized that the Board is seeking comment on a proposed rule that would expand the Board's flexibility under its own rules to grant branching capacity in connection with the acquisition of assets or liabilities of failing institutions and for the purpose of serving the needs of the FSLIC. It is not the Board's purpose to signal a move toward general unrestricted branching on a national or broad scale in connection with supervisory cases.

The proposed rule addresses branching capacity for Federal associations generally and in connection with the acquisition of failing institutions. The approval of particular branches would, of course, be subject to standard regulatory procedures.

Initial Regulatory Flexibility Analysis

Pursuant to section 3 of the Regulatory Flexibility Act, Pub. L. 96–354, 94 Stat. 1164, 1166 (1980), the Board is providing the following initial regulatory flexibility analysis:

1. *Reasons, objectives, and legal basis underlying the proposed rule.* These elements have been discussed in the supplementary information regarding this proposal.

2. *Small entities to which the proposed rule would apply.* The proposed rule would apply to all Federal associations in the affected area regardless of size.

3. *Impact of the proposed rule on small entities.* The proposed rule would not have a disproportionate effect on small institutions, nor is it expected that the rule will have a significant economic impact on a substantial number of small institutions.

4. *Overlapping or conflicting federal rules.* There are no known federal rules that duplicate, overlap, or conflict with the proposal, which is consistent with temporary legislation adding section 408(m) of the National Housing Act, 12 U.S.C. 1730a(m).

5. *Alternatives to the proposed rule.* No alternatives to the proposal would better attain the goals of the proposal without conflict to a greater degree with the Board's policy to give full consideration to the maintenance of local, specialized depository institutions and the need to minimize the costs of the FSLIC.

The Board has determined to provide less than a sixty day comment period because (1) there have been several cycles of comment on previous interstate branching regulations proposed by the Board and (2) the public and the Board would be better served by prompt consideration of this proposal in the immediate future so that business planning of the Board, the FSLIC, and regulated institutions may proceed without undue delay.

List of Subjects in 12 CFR Part 556

Savings and loan associations, Branching.

Accordingly, the Federal Home Loan Bank Board proposes to amend Part 556, Subchapter C, Chapter V, Title 12 of the

Code of Federal Regulations, as set forth below.

SUBCHARTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 556—STATEMENTS OF POLICY

1. The authority citation for Part 556 would be revised to read as follows:

Authority: 12 U.S.C. 1464; Reorg. Plan No. 3 of 1947, 3 CFR, 1943–1948 Comp., p. 1071, unless otherwise noted.

2. Paragraph (a) of § 556.5 would be revised to read as follows:

§ 556.5 [Amended]

(a) *General.* (1) The Board encourages a competitive savings and loan system that provides convenient, alternative choices of facilities for improved financial services to the public. The Board believes that branching is a primary means to increase competition and serve the public. The Board recognizes that establishment of a full service branch is only one means for improving service and competition in an area and, therefore, encourages innovative ideas for branches designed to suit the needs of a particular community.

(2) As a general policy, the Board permits a Federal association to branch within the state in which its home office is located.

(3)(i)(*a*) Additionally, the Board will permit a Federal association to establish or operate a branch office in a state other than the state in which its home office is located if the law of the state in which a Federal association's home office is located and the law of the state in which the branch is to be located would permit the establishment of such branch if the Federal association were an institution of the savings and loan or savings bank type chartered by the state in which the Federal association's home office is located.

(*b*) For the purposes of this paragraph (a)(3), the home office of a Federal association shall be deemed to be its home office as of the later of the date of its chartering or December 20, 1985, unless an association clearly demonstrates to the satisfaction of the Board that relocation to another state was not effected primarily to obtain branching advantages under this § 556.5(a).

(*c*) If a Federal association is a holding company or a subsidiary of an insured institution that is a holding company, it shall have a home office for the purposes of paragraph (a)(3)(i) only if no other insured institution in its holding company structure is entitled to branching rights described in paragraph (a)(3)(i)(*a*); and if such Federal association is a parent holding company and no state chartered insured institution in the holding company structure has such branching rights, such parent Federal association shall be the sole association in the holding company structure that may acquire such branching rights under paragraph (a)(3)(i)(*a*).

(*d*) If a Federal association is a subsidiary of a multiple savings and loan holding company that controls insured institutions located in more than one state, it shall have a home office for the purposes of paragraph (a)(3)(i) only if no other subsidiary insured institution of its holding company is entitled to branching rights described in paragraph (a)(3)(i)(*a*); and if such Federal association is located in a single state designated by its parent pursuant to section 408(e)(3)(B) of the National Housing Act, 12 U.S.C. 1730a(e)(3)(B), or if such Federal association was the sole subsidiary of such a multiple savings and loan holding company prior to an acquisition or acquisitions effected pursuant to section 408(m) of the National Housing Act, 12 U.S.C. 1730a(m), such Federal association shall be the sole Federal association in such holding company structure that may acquire such branching rights under paragraph (a)(3)(i)(*a*).

(*e*) A Federal association that acquires and exercises branching rights pursuant to paragraphs (a)(3)(i)(*a*) and (a)(3)(i) (*c*) or (*d*) may not operate or retain such branches if another insured institution in its holding company structure exercises branching rights described in paragraph (a)(3)(i)(*a*).

(ii)(*a*) Notwithstanding the limitations of paragraph (a)(3)(i) of this section, but subject to section 5 (r) of the Home Owners' Loan Act of 1933, as amended, the Board may approve the establishment or operation of a branch office by a Federal association in a state other than the state in which its home office is located: *Provided* that:

(*1*) The establishment of the branch office will be achieved as part of or as a result of a transaction in which assets or liabilities of a failing insured institution ("target institution") are acquired by another institution, by merger or otherwise, as part of a transaction in which the insured accounts of a target institution are assumed by and transferred to an insured institution as a means of payment of insurance by the Federal Savings and Loan Insurance Corporation ("Corporation") or pursuant to an action by the Corporation to prevent the failure of a target institution;

(*2*) The Board determines that the Corporation's insurance liability or risk, including cost or potential cost to the Corporation, will be reduced as a result of the transaction involving a target institution; and

(*3*) If any alternative has been submitted that is not objectionable on supervisory grounds and could be approved in accordance with paragraph (a)(2), (a)(3)(i), or (a)(3)(iii) of this section or that would involve an acquisition by, or transfer of accounts to, a state chartered institution and would be in accordance with the laws governing the chartering and operation of all parties to the transaction, the Board determines that the Corporation's insurance liability or risk, including cost or potential cost to the Corporation, resulting from the proposed interstate acquisition by, or transfer of accounts to, a Federal association under this paragraph (a)(3)(ii) will be substantially less than the liability or risk that would result from such other alternative.

(*b*) Branching approved or permitted pursuant to this paragraph (a)(3)(ii) may be:

(*1*) Operation of a former office or offices of a target institution; and

(*2*) Permission to establish branch offices in a state or states other than the state or states in which a target institution operates: *Provided* that branching rights permitted pursuant to this paragraph (a)(3)(ii)(*b*)(*2*) shall not in any event include any state in addition to the greater of three (3) states in addition to the state or states in which the target institution operates, or if the home office of the target institution is located in a state that, as of the date of acquisition of the target institution, is included in a regional compact of states specifically authorizing branching or acquisition across state lines by institutions of the savings and loan or savings bank type by statute laws of such states, by language to that effect and not merely by implication, the states included within such a regional compact; *Provided further,* that the Board shall give preference to an application seeking branching authority limited by paragraph (a)(3)(ii)(*b*)(*1*) over an application seeking branching authority under paragraphs (a)(3)(ii)(*b*)(*1*) and (*2*); and *Provided further,* that in considering applications to approve transactions involving the exercise of authority under this paragraph (a)(3)(ii)(*b*)(*2*), the Board shall prefer an application involving branching in states within a regional compact for institutions of the savings and loan or savings bank type or in a state or states having boundary lines contiguous with boundary lines of the state in which the target institution's home office is located.

(c) The principles of this paragraph (a)(3)(ii) shall also apply in reverse mergers in which the target institution is the surviving entity and in the acquisition of control of subsidiary insured institutions in a state or states in which a Federal association is not authorized to branch pursuant to paragraph (a)(3)(i).

(iii) Notwithstanding paragraph (a)(3)(i) of this section, but subject to section 5(r) of the Home Owners' Loan Act of 1933, as amended, the Board may approve the establishment of a branch office in a state or states other than the state in which the home office is located, provided that the establishment of the branch office will be achieved by the consolidation of some or all of the savings and loan subsidiaries, or of some or all the the offices of the savings and loan subsidiaries, of a multiple savings and loan holding company. The Board may approve the establishment of a branch office by a resulting institution in any state or states in which it maintains branch offices as a result of the consolidation.

(iv) Notwithstanding paragraph (a)(3)(i) of this section, but subject to section 5(r) of the Home Owners' Loan Act of 1933, as amended, in a transaction not involving an action by the Corporation for transfer of accounts or to prevent the failure of an insured institution, the Board may approve the establishment of a branch office in any state in which the applicant has established or has been permitted to operate a branch office pursuant to the conditions set forth in paragraph (a)(3)(ii) of this section.

* * * * *

By the Federal Home Loan Bank Board.

Jefff Sconyers

Secretary.

[FR Doc. 85-30893 Filed 12-31-85; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85-ANE-46]

Airworthiness Directives; Pratt & Whitney (PW) JT8D -1, -1A, -1B, -7, -7A, -7B, -9, -9A, -11, -15, -15A, -17, -17A, -17R, and -17AR Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require on-wing inspection and subsequent replacement of high pressure compressor (HPC) removable sleeve spacers with HPC integral sleeve spacers on certain PW JT8D engines. The proposed AD is needed to prevent failure of the HPC removable sleeve spacers which could result in inflight shutdowns, engine cowl penetrations, and airframe damage.

DATES: Comments must be received on or before February 21, 1986.

ADDRESSES: Comments on the proposal may be mailed in duplicate to: Federal Aviation Administration, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 85-ANE-46, 12 New England Executive Park, Burlington, MA 01803, or delivered in duplicate to Room No. 311 at the above address.

Comments delivered must be marked: Docket No. 85-ANE-46.

Comments may be inspected at the New England Regional Office, Office of the Regional Counsel, Room No. 311, between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday, except Federal holidays.

The applicable service bulletins (SBs) may be obtained from Pratt & Whitney, Publication Department, P.O. Box 611, Middletown, Connecticut 06457.

A copy of the SBs are contained in Rules Docket No. 85-ANE-46, in the Office of the Regional Counsel, New England Region, and may be examined between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jim Jones, Engine Certification Branch, ANE-141, Engine Certification Office, Aircraft Certification Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273-7121.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communciations should identify the regulatory docket number and may be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Director before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket, at the address given above, for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 85-ANE-46". The postcard will be date/time stamped and returned to the commenter.

The FAA has determined that removable sleeve spacers have developed cracks during service resulting in uncontained failures. Forty-six spacer fractures have been experienced to date, of which 8 penetrated the cowling and 8 penetrated the engine case but not the cowling. These failures have resulted in both engine and airframe damage. Cowling penetration events have only occurred with stages 7-8 and 9-10 spacers, other stages have been found cracked or failed and were contained within the fan duct. HPC spacer cracks have initiated in knife edge seals, bleed holes and flanges. Crack initiation has resulted from corrosion pitting, cadmium embrittlement, improper weld repairs, or knife edge seal heat distress. Since this condition is likely to exist or develop on other engines of the same type design, the proposed AD would require on-wing, one time, eddy current inspection in accordance with PW Alert Service Bulletin (ASB) 5649 dated January 15, 1986, of HPC removable sleeve spacers stages 7-8 and 9-10 which will detect knife edge seal, bleed hole, and/or flange cracks.

The proposed AD would also require replacement of HPC removable sleeve spacers stages 7-8 and 9-10 with integral sleeve spacers at the next HPC rotor disassembly but not to exceed 2 years of 4,000 flight cycles whichever is later. The AD would require replacement of HPC removable sleeve spacers stages 8-9, 10-11, 11-12, and 12-13 with integral sleeve spacers whenever the HPC rotor is disassembled.

Conclusion: The FAA has determined that this proposed regulation involves approximately 1,840 engines (domestic fleet) at an approximate cost of 43 million dollars. It has also been

determined that few, if any, small entities within the meaning of the Regulatory Flexibility Act will be affected since the rule affects only operators using aircraft in which JT8D engines are installed, none of which are believed to be small entities. Therefore, I certify that this action: (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) if promulagated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption:

"FOR FURTHER INFORMATION CONTACT".

List of Subjects in 14 CFR 39

Engines, Air transportation, Aircraft, Aviation safety, Incorporation by Reference.

The Proposed Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend Part 39 of the Federal Aviation Regulations (FAR) as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.85.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new AD:

Pratt & Whitney: Applies to Pratt & Whitney (PW) JT8D –1, –1A, –1B, –7, –7A, –7B, –9, –9A, –11, –15, –15A, –17, –17A, –17R, and –17AR turbofan engines.

Compliance is required as indicated unless already accomplished.

To prevent crack propagation and subsequent HPC removable sleeve spacer rupture, perform an on-wing, one time eddy current inspection of HPC removable sleeve spacers stages 7–8 and 9–10 for cracks, in accordance with PW ASB 5649 dated January 15, 1986, or FAA approved equivalent, and replace all stages of HPC removable sleeve spacers with the respective HPC integral sleeve spacers per the following schedule:

(a) For HPC removable sleeve spacers stages 7–8 and 9–10:

(1) With 1,700 cycles or more since spacer installation, inspect within the next 1,000 cycles time in service.

(2) With less than 1,700 cycles since spacer installation, inspect prior to reaching 1,700 cycles time in service or within the next 1,000 cycles time in service whichever occurs later.

(3) Remove cracked spacers from service prior to further flight.

(b) For HPC removable sleeve spacers stages 7–8 and 9–10, replace with the integral sleeve spacers per PW SBs 5187 dated March 11, 1981, and 3749 dated February 22, 1972, or FAA approved equivalents, at next HPC rotor disassembly but not to exceed 2 years or 4,000 cycles time in service, whichever occurs later, from the effective date of this AD.

(c) For HPC removable sleeve spacers stages 8–9, 10–11, 11–12, and 12–13, replace with the integral sleeve spacers per PW SB 3749 dated Febraury 22, 1972, or FAA approved equivalent, at next HPC rotor disassembly.

Note.—HPC rotor disassembly is defined as untorquing of the HPC tierods and removal of any disk, spacer or hub from the HPC rotor.

Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to a base where the AD can be accomplished.

Upon request, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Engine Certification Office, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

Upon submission of substantiating data by an owner or operator through an FAA maintenance inspector, the Manager, Engine Certification Office, New England Region, may adjust the compliance time specified in this AD.

The FAA will request the permission of the **Federal Register** to incorporate by reference the manufacturer's ASB and SBs identified and described in this document.

Issued in Burlington, Massachusetts, on December 23, 1985.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 85–30941 Filed 12–27–85; 12:54 pm]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket Nos. 85–AWA–5 and 85–AWA–6]

Proposed Establishment of Airport Radar Service Areas; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to notice of proposed rulemaking.

SUMMARY: This action corrects the date for the informal airspace meeting for the Michiana Regional Airport, South Bend, IN, Airport Radar Service Area (ARSA) as published in the **Federal Register** on September 30, 1985 (50 FR 39822). The date given for the meeting on page 39833 was "January 22, 1986." The correct date is "February 12, 1986." Also, this corrects the name of the hotel for Davis-Monthan AFB, AZ, and Tucson International Airport, AZ, ARSA's informal airspace meetings on page 39833. The hotel was listed as "Granada Royale;" it should be "Embassy Suites."

FOR FURTHER INFORMATION CONTACT: Paul Smith, Airspace and Air Traffic Rules Branch (ATO–230), Airspace—Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 426–8783.

Issued in Washington, DC, on December 23, 1985.

Shelomo Wugalter,

Acting Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 85–30931 Filed 12–31–85; 8:45 am]

BILLING CODE 4910–13–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–8 FRL–2948–3]

Approval and Promulgation of State Implementation Plans; Montana; Visibility

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking

SUMMARY: In this action, EPA proposes to approve the new source review (NSR) and monitoring plan for visibility in a revision to the Montana State Implementation Plan (SIP). This action results from rulemaking on October 23, 1984, (49 FR 42670) in which EPA proposed to disapprove SIPs of states not complying with the provisions of 40 CFR 51.305 (Visibility Monitoring) and 51.307 (Visibility NSR).

The Governor of Montana submitted a SIP Revision for Visibility Protection and the Visibility Regulations on August 21, 1985. Review of the plan and regulations indicates that Montana has met the criteria of 40 CFR 51.305 and 51.307.

DATE: Comments are due March 3, 1986.

ADDRESSES: Written comments should be addressed to: Robert R. DeSpain, Chief, Air Programs Branch, Environmental Protection Agency, One Denver Place, Suite 1300, 999 18th Street, Denver, Colorado 80202–2413.

Copies of the state submittal are availble for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at the following locations:

Environmental Protection Agency, Region VII, Air Programs Branch, One Denver Place, Suite 1300, 999 18th Street, Denver, Colorado 80202–2413;

Environmental Protection Agency, Montana Office, Federal Building, Room 292, 301 South Park, Helena, Montana 59526.

FOR FURTHER INFORMATION CONTACT: Lee Hanley, Air Programs Branch, Environmental Protection Agency, One Denver Place, Suite 1300, 999 18th Street, Denver, Colorado 80202-2413, (303) 293-1757.

SUPPLEMENTARY INFORMATION:

Background

Section 169A of the Clean Air Act, 42 U.S.C. 7491, requires visibility protection for mandatory Class I Federal areas where EPA has determined that visibility is an important value. ("Mandatory Class I Federal areas" are certain national parks, wilderness areas, and international parks, as described in section 162(a) of the Act, 42 U.S.C. 7472(a), 40 CFR 81.400-937). Section 169A specifically requires EPA to promulgate regulations requiring certain states to amend their State Implementation Plans (SIPs) to provide for visibility protection.

On December 2, 1980, EPA promulgated the required visibility regulations in 45 FR 80084, codified at 40 CFR 51.300 *et seq*. It required the states to submit their revised SIPs to satisfy those provisions by September 2, 1981. (See 45 FR 80091, codified in 40 CFR 51.302(a)(1).) That rulemaking resulted in numerous parties seeking judicial review of the visibility regulations. In March 1981, a judicial stay was granted pending EPA action on related administration petitions for reconsideration of the visibility regulations filed with the Agency.

In December 1982, the Environmental Defense Fund (EDF) filed suit in the U.S. District Court for the Northern District of California alleging that EPA failed to perform a nondiscretionary duty under Section 110 of the Act to promulgate visibility SIPs. A subsequent settlement agreement between EPA and EDF required EPA to promulgate visibility SIPs pursuant to a specific schedule. It required EPA to propose to incorporate Federal regulations in states where SIPs are deficient with respect to the 1980 Visibility New Source Review and monitoring regulations, 40 CFR 51.307 and 51.305, respectively. However, the settlement allows an opportunity to avoid Federal promulgation if the state submits a SIP by May 6, 1985. Montana is one of the states listed in 49 FR 42670 as having an inadequate New Source Review (NSR) and monitoring plan for visibility protection.

On August 21, 1985, the Governor of Montana submitted a Visibility SIP and regulations for visibility monitoring and New Source Review.

The SIP commits the State to implement a comprehensive visibility protection program in order to meet the objections of the Clean Air Act. The SIP is to be reviewed from time-to-time (but not less frequently than three years) for the purpose of assessing progress toward meeting the national goal of visibility protection.

Visibility Monitoring Strategy

40 CFR 51.305 requires all States with visibility protection areas to have a monitoring strategy for evaluating visibility in any mandatory Federal Class I area by visual observation or other appropriate monitoring techniques. The purposes of this requirement are to generate data for evaluating visibility impairment trends, determine potential impacts of new sources, assess the affectiveness of the visibility protection program, and identify major contributing sources. These purposes can be adequately addressed by determining the background visibility protection areas and documenting the extent of any visibility impairment that can be attributed to a source or small group of sources.

Visibility impairment is the human perception of the effects of natural or man-made conditions which reduce visual range or contrast, or coloration change. Thus, a visibility monitoring program should identify these effects as well as differentiate man-made effects from natural conditions. The program could generate various types of data such as reports from human observers, photographs, and/or automated instruments . The minimum data collection technique that 40 CFR 51.305 allows is visual observation. However, other more objective techniques are available. (See "Interim Guidance for Visibility Monitoring", Office of Air Quality Planning and Standards, November 1980 (EPA 450/2-80-082).

The ambient monitoring strategy of the Montana Visibility SIP consists of data collection to meet four objectives. The are:

(1) Determine existing impairment, if any, in mandatory Class I areas and the source(s) of impairment;

(2) Provide information for new source impact analyses;

(3) Determine actual effects on visibility from the operation of new sources; and

(4) Establish visibility trends in order to evaluate progress toward meeting the national goal of visibility protection.

These objectives will be carried out by the Air Quality Bureau, Department of Health and Environmental Sciences (hereafter the "Department") by:

(1) Addressing and considering the need for visibility monitoring as an integral part of its annual Network Review Report, and affording the FLMs an opportunity to comment before it becomes final;

(2) Sponsoring visibility stations and entering into an agreement with the Federal Land Manager (FLM) to operate such stations and share data;

(3) Requesting from each FLM responsible for any Class I area copies of any and all past or existing programs designed to monitor or evaluate visibility;

(4) Requesting copies of all future visibility data gathered by each FLM noted in 1. above on an annual basis, including any analysis and interpretation of such data;

(5) Evaluating the data supplied by the FLM in addition to any other data collected by the Department or any other appropriate source (such as proposed major stationary sources) on an annual basis; and

(6) Requiring an analysis of visibility from sources subject to the requirements of ARM 16.8.1007. Such an analysis must be conducted using existing visibility data, if available, or generating visibility data as a part of the permit application. The result of this monitoring will be analyzed by the Department and FLM as part of the decision-making process as outlined in ARM 16.8.1001 *et seq*.

The monitoring strategy section of this Visibility SIP consists of a statement of goals, a list of monitoring objectives, and the provision for future plan revisions. These provisions meet EPA criteria; thus, EPA is proposing to approve this phase of the plan.

New Source Review

40 CFR 51.307 requires states to review new major stationary sources and major modifications prior to construction to assess potential impacts on visibility in any visibility protection area, regardless of the air quality status of the area in which the source is located. That is, sources locating in attainment areas and nonattainment areas must undergo Visibility New Source Review (See 40 CFR 51.307 (a) and (b)(2), respectively). These requirements ensure that (1) the visibility impact review is conducted in a timely and consistent manner, (2) the reviewing authority considers any timely FLM analysis demonstrating that a proposed source would have an adverse impact on visibility, and (3) public availability of the permitting authority's conclusion.

There are two parts to visibility NSR: PSD major stationary sources and major sources in nonattainment areas.

For all major PSD stationary sources:

(1) The State must notify the FLM in writing not more than 30 days after receiving a permit application or advance notification of application from a proposed source that may impact a visibility protection area.

(2) This notification must take place at least 60 days prior to the public hearing on the application and must contain any analysis of the potential impact of the proposed source on visibility.

(3) The State must consider any analysis concerning visibility impairment performed by the FLM and received not more than 30 days after the notification.

(4) If the State does not concur with the FLM's analysis that adverse visibility impairment will result from the proposed source, the State must provide in its notice of public hearing on the application an explanation of its decision or give notice as to where the explanation can be obtained.

(5) The State must have the ability to require a permit applicant to monitor visibility in or around the visibility protection areas.

For major sources in nonattainment areas:

(1) A major source or modification that may impact a visibility protection area must provide a visibility impact analysis.

(2) The State must ensure that the sources' emissions are consistent with the national visibility goal. The State may consider the cost of compliance, the time for compliance, the energy and non-air quality environmental impacts of compliance, and the useful life of the source.

(3) The State must follow the same procedures outlined in the PSD items 1–5 above in conducting nonattainment area visibility reviews.

Items 1 through 5 for major PSD stationary sources and items 1 through 3 for major sources in nonattainment areas are the procedural steps in visibility review as defined in 40 CFR 51.307.

The Montana Plan combines new visibility rules and existing regulations to meet the requirements of 40 CFR 51.307. A new rule, ARM 16.8.1001, Visibility Requirements Applicability, incorporates existing permit regulations and clearly states that the visibility requirements apply to major sources locating in any attainment or nonattainment area. The incorporated regulations, Administrative Rule of Montana, Title 16, Chapter 8, Subchapters 9 (PSD) and 11 (Permits), specify the standard requirements for any permit application and permit approval.

The Visibility Regulation provide for the Department (Montana Bureau of Air Quality permit issuing authority) to consider any analysis performed by the State and the FLM and to deny a permit if the proposed source or modification would have adverse impact in any Federal Class I area.

If the Department does not agree with the FLM that adverse impact will result, it will provide written notification to the effectuated FLM within 5 days of its final decision on the permit. The notification will include an explanation of the Department's decision or give notice as to where the explanation can be obtained. Notification to the public is originally made by the applicant; the Department will then notify the applicant and interested parties of its determination and the location of the analysis of the application.

The Department's intentions to provide for public information are specified in ARM 16.8.1107 (Public Review of Permit Applications), and in the Major Facility Siting Act (Montana's Department of Natural Resources source permitting regulations). Montana statutes and rules do not provide enough time for public hearing and to which EPA has stated to the Department. However, given the notification requirements in ARM 16.8.1107 and the Major Facility Siting Act and the assurance from the Department that, where possible, public hearings can be provided under the above regulations; EPA feels this SIP meets the requirements of 40 CFR 51.307(a)(1).

FLM Coordination

Under section 165(d) of the Clean Air Act, the FLM is given an affirmative responsibility to protect air quality related values, including visibility, in lands within a Class I area. The visibility regulations allow the FLM the opportunity to identify visibility impairment and to identify elements for inclusion in monitoring strategies. The FLM must maintain these areas consistent with congressional land use goals.

The State of Montana has afforded the FLM (through the National Park Service (NPS) and the Forest Service (FS)) opportunities to participate and comment on its visibility SIP and regulations. Comments by the NPS and FS were considered and incorporated where applicable. The State has committed in the SIP to consult continually with the FLM on the review and implementation of the visibility program. As appropriate, the plan may be modified in accordance with proper public review in order to attain and maintain the national goal. The State has agreed to notify the FLM of any advance notification or early consultation with a major new or modifying source that may affect Federal Class I area visibility, prior to the submission of the permit application.

Summary of Action

The August 21, 1985 submittal by the Governor of Montana includes an adequate visibility plan and regulation to meet the requirements of 40 CFR 51.305 and 51.307 and the criteria discussed in 49 FR 42670. (One should reference the October 23, 1984, 49 FR 42670, for additional information). The SIP commits to an annual review and making any changes deemed necessary. The SIP, therefore, has established the commitment to review the visibility requirements listed in 40 CFR Part 51 Subpart P—Protection of Visibility. The SIP is still deficient for all the other requirements of Subpart P (except 51.305 and 51.307) which should be addressed within the proper timeframe after EPA promulgation or rulemaking.

Under 5 U.S.C. section 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

The Administrator's decision to approve or disapprove the plan revisions will be based on whether they meet the requirements of sections 110(a)(A)–(K) and 110(a)(3) of the Clean Air Act, as amended. These revisions are being proposed pursuant to sections 110(a) and 301(a) of the Clean Air Act, as amended (42 USC 7410(a) and 7601(a)).

Authority: 42 U.S.C. 7401–7642.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, and Hydrocarbons.

Dated: November 14, 1985.

John G. Welles,

Regional Administrator.

[FR Doc. 85–30991 Filed 12–31–85; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 52

[A-4-FRL-2947-4; AL-012]

Approval and Promulgation of Implementation Plans; Alabama; Lead SIP

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: Pursuant to section 110 of the Clean Air Act (CAA) and National Ambient Air Quality Standard (NAAQS) for lead, the State of Alabama has submitted to EPA a State Implementation Plan (SIP) for lead. On May 2, 1984, (49 FR 18737), EPA disapproved the original SIP for lead submitted by the State of Alabama on March 24, 1982, because the SIP did not provide for the attainment of the NAAQS for lead throughout the state. The State of Alabama submitted on March 28, 1985, and May 6, 1985, portions of a revised lead SIP which demonstrates attainment of the NAAQS for lead for all areas of Alabama except Jefferson County. EPA is today proposing to approve the Alabama Lead SIP for all areas except Jefferson County. The Jefferson County lead SIP will be addressed in separate rulemaking.

DATES: Interested persons are invited to submit comments on this proposed action on or before February 3, 1986.

ADDRESSES: Written comments should be addressed to Raymond S. Gregory of EPA, Region IV's Air Programs Branch (see EPA, Region IV address below). Copies of the materials submitted by Alabama may be examined during normal business hours at the following locations:

Environmental Protection Agency, Region IV, Air Programs Branch, 345 Courtland Street, N.W., Altanta, Georgia 30365.

Alabama Department of Environment Management, Air Division, 1751 Federal Drive, Montogmery, Alabama 36130.

EPA Central Docket Section, West Tower Lobby, Gallery I, A-130, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Raymond S. Gregory, EPA, Region IV, Air Programs Branch, at the above listed address and phone 404/881-3286, or FTS: 257-3286.

SUPPLEMENTARY INFORMATION:

I. Background

On October 5, 1978 (43 FR 46246), EPA promulgated the NAAQS for airbone lead. Under the provisions of section 110(a)(1) of the Clean Air Act, each state is required to submit a SIP which provides for implementation, maintenance, and enforcement of primary and secondary NAAQS's within the state. The primary and secondary standard for lead is 1.5 micrograms of lead per cubic meter of air (1.5ug/m^3), averaged over a calendar quarter.

The general requirement for a SIP are outlined, in section 110 of the Clean Air Act and EPA regulations, 40 CFR Part 51, Subpart B. Specific requirements for developing a lead SIP are outlined in 40 CFR Part 51, Subpart E. These provisions require the submission of air quality data, emission data, air quality modeling, control strategies for each area exceeding the NAAQS, a demonstratin that the NAAQS will be attained within the timeframe specified by the CAA, and provisions for ensuring maintenance of the NAAQS. EPA has evaluated the lead SIP submitted by Alabama for all areas except Jefferson County, compared it to the requirements for a approvable SIP and found it approvable.

On March 28, 1985, Alabama submitted to EPA the State's SIP for attainment and maintenance of the NAAQS of lead. Additional information concerning the lead SIP was submitted on May 6, 1985. The final plan is described below, along with EPA's proposed action on the Alabama lead SIP.

II. Description of the Plan

Alabama submitted the control plan on March 28, 1985, along with basic control regulations applicable to existing secondary lead smelters located in Pike County. The May 6, 1985, submittal contained an addtional regulation specifying particulate emission requirements for blast (cupola) and reverberatory furnance primary exhaust stack gases. Alabama determined that, outside of Jefferson County, only one stationary source of airborne lead emissions required development of regulations. That facility is Sanders Lead, a secondary lead smelter located in Pike County. Alabama's plan includes an analysis of the impact of lead emissions statewide and an analyis of lead concentrations around Sanders Lead.

A. Analysis of Lead Control Strategy Statewide

As indicated earlier, the SIP must include air quality data, emission data, air quality modeling, control strategies for each area exceeding the NAAQS, a demonstration that the NAAQS will be attained within the timeframe specified by CAA, and provisions for ensuring maintainance of the NAAQS. This SIP contains summaries of air quality data for 1974 to 1983, emission data or inventory of sources exceeding five actual tons of lead emissions per year, a control strategy demonstration for the area around the Sanders Lead secondary lead smelter that demonstrates attainment of the lead NAAQS, and regulations that ensure attainment and maintenance of the lead NAAQS for all areas of the state except Jefferson County. The Jefferson County Department of Health has developed a separate lead SIP for that area and has recently submitted it to EPA for review and approval.

The air quality data submitted by Alabama showed a violation in an area not impacted by a lead point source. Automobiles are the major contributors to lead emissions in areas which are not in the vicinity of lead point sources but have exceeded the NAAQS for lead.

Federal regulations that limit content of gasoline have resulted, and will continue to result, in a gradual decrease in lead emissions from automobiles. Depending on the lead air concentration in the base (historic) year, it is possible for such areas to attain the lead standard solely due to these Federal regulations. Based on this, and information about past and projected gasoline usages, and the assumption that lead concentrations decrease proportionally with automotive lead emissions, EPA has calculated critical lead concentrations for several base and attainment years. These were published in a July 1983, draft report entitled, *Updated Information on Approval and Promulgation of Lead Implementation Plans.* If the highest lead concentration for a given base year/attainment year combination is less than the critical value for that combination, EPA assumes that the standard will be attained by that attainment year. One monitoring site in Alabama (in Jefferson County) not impacted by a stationary source showed an ambient lead concentration of 1.59 ug/m^3 for the fourth quarter of 1978. While this value was higher than the lead NAAQS, it was below the critical value for that base year/attainment year combination. No further exceedances have been monitored since 1978.

EPA also concludes that Alabama's regulations regarding new source review are adequate to meet the requirements for review and permitting of new

significant point sources of lead (potential emissions equal to or greater than 5 tons per year) and modification of existing significant point sources of lead (physical change or change in the method of operation resulting in a net emission increase of 0.6 tons per year). Such sources are required to obtain a permit from the Alabama Department of Environmental Management.

B. Control Plan for Sanders Lead

This SIP focused on the area around Sanders Lead where both monitored air quality data and air quality model predictions showed violations of the NAAQS for lead. This source was modeled using the Industrial Source Complex (ISC) air quality model in its long-term mode (ISCLT). The attainment demonstration shows that the source-specific regulations applicable to Sandlers Lead will result in the attainment and maintenance of the lead standard in the areas that the source impacts. Also, the State has agreed to operate a lead monitoring network in accordance with 40 CFR Part 58 around the Sanders Lead site. The public may inspect the description of the monitoring network for lead at the offices of the Alabama Department of Environmental Management, Air Division, 1751 Federal Drive, Montgomery, Alabama 36130.

The source regulations are a mix of measures designed to control lead emissions from both point and fugitive emission sources at Sanders Lead. In general, the control measures require: (a) A specific lead emission rate for the stack emissions; (b) the use of enclosed buildings for the storage and unloading of all lead bearing materials or storage and transport in closed containers; (c) the washing of certain paved areas external to buildings so that "no visible emissions are observed emanating from the paved area"; (d) vacuum sweeping of other areas; (e) the planting of ground cover on unpaved areas; (f) the washing of truck transport tires; and (g) visible emission limitations for any process emissions escaping capture and subsequent control of captured emissions.

Alabama has demonstrated that these required control measures and emission limitations are adequate to assure attainment of the lead NAAQS in the vicinity of Sanders Lead.

Under the compliance schedule applicable to Sanders Lead all of the measures necessary to assure attainment of the lead NAAQS are to be in effect by March 13, 1986 (12 months after their adoption by the State on March 13, 1985). The rest of the State, except for Jefferson County, is currently attaining the lead NAAQS. EPA, therefore, concludes that the attainment date for the Alabama lead SIP (except for Jefferson County) is March 13, 1986, which meets the attainment date requirements of section 110(a)(2)(A) of the CAA.

Alabama's source regulations include several provisions that allow the Director to exercise certain discretionary authority. These include: (1) 4.15.6(c), which allows exclusions from the requirement that lead bearing material be unloaded and stored in enclosed buildings; (2) 4.15.6.(e), which allows exclusions from the twice daily vacuum sweeping requirement for paved areas; and (3) 4.15.6.(g), which allows approval of an alternative compliance schedule with a required final compliance not later than December 31, 1987 upon petition from the source.

Exercise of discretionary authority under these provisions has the potential to increase lead emissions at Sanders Lead. EPA has informed Alabama that any change in the SIP's provisions through the excerise of the Director's discretionary authority must be evaluated for its impact on the control strategy demonstration and if the change would result in increased emissions at Sanders Lead, it must be submitted to EPA for review and approval as a revision to the lead SIP pursuant to EPA regulations (See 40 CFR 51.6(d) and 56.8).

III. Proposed Action

EPA has evaluated the Alabama Lead SIP (excluding Jefferson County) and has determined that it meets the requirements of section 110(a) of the Clean Air Act and 40 CFR Part 51, Subparts B and E. EPA believes that the SIP is adequate to attain and maintain the lead NAAQS's in the applicable area. Specifically, EPA is proposing to approve as part of the Alabama Lead SIP, Alabama Air Pollution Control Commission Regulations 4.15.3 and 4.15.6(a)-(g).

The public is invited to submit written comments on this proposed action. Comments should be submitted to EPA's Atlanta address listed in the front of this notice.

Further details pertaining to technical aspects of this plan are contained in the Technical Support Document available for public inspection at EPA's Regional Office in Atlanta, Georgia.

Regulatory Flexibility Analysis

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has determined that this action will not have a significant economic impact on a substantial number of small entities, because the requirements are already in place at the State level in the form of operating permits and will be submitted in the near future as State regulations. In addition, all affected sources are already meeting these requirements.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Intergovernmental relations, Lead.

Authority: 42 U.S.C. 7401–7642.

Dated: September 6, 1985.

Sanford W. Harvey, Jr.,

Acting Regional Administrator.

[FR Doc. 85–30988 Filed 12–31–85; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 85–350]

Equal Employment Opportunity in the Broadcast Radio and Television Services

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment and reply comment periods.

SUMMARY: Action taken herein extends the time for filing comments in response to the *Notice of Proposed Rule Making* in MM Docket No. 85–350. This *Notice* requested comments on proposed amendments to the Commission's rules and procedures regarding equal employment opportunities in the broadcast industry. The extension of time was requested by Citizens Communications Center *et al.*

DATES: Comments are due on or before February 3, 1986 and replies are due March 3, 1986.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Marcia Glauberman, Mass Media Bureau, (202) 632–6302.

SUPPLEMENTARY INFORMATION: The Notice of proposed Rulemaking in this proceeding was published on December 3, 1985, 50 FR 49566.

Order Extending Time for Filing Comments

In the Matter of: Amendment of Part 73 of the Commission's Rules Concerning Equal Employment Opportunity in the Broadcast Radio and Television Services; MM Docket No. 85–350.

Adopted: December 20, 1985.

Released: December 24, 1985.

By the Chief, Mass Media Bureau:

1. Citizens Communications Center *et al.*, on December 18, 1985 filed a motion requesting that the comment and reply dates in this proceeding be extended to February 2, 1986 and March 3, 1986 respectively. The extension is said to be needed in order to perform the analysis necessary for adequate comments and because the comment period coincides with the holiday season.

2. Good cause having been shown, the requested time extension will be granted.

3. Accordingly, it is ordered that the time for filing comments in the above-captioned proceeding is extended to and including February 3, 1986, and March 3, 1986 for reply comments.

4. This action is taken pursuant to authority found in section 4(i) and 303(r) of the Communications Act of 1934, as amended and Section 0.281 of the Commission's Rules.

5. For further information concerning this proceeding, contact Marcia Glauberman, Mass Media Bureau (202) 632-6302.

Federal Communications Commission.

James C. McKinney,

Chief, Mass Media Bureau.

[FR Doc. 85-30999 Filed 12-31-85; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 51, No. 1
Thursday, January 2, 1986

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.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Meat Import Limitations; First Quarterly Estimate

Pub. L. 88–482, enacted August 22, 1964, as amended by Pub. L. 96–177 (hereinafter referred to as the "Act"), provides for limiting the quantity of fresh, chilled, or frozen meat of cattle, sheep except lambs, and goats (TSUS 106.10, 106.22, and 106.25), and certain prepared or preserved beef and veal products (TSUS 107.55, 107.61, and 107.62) which may be imported into the United States in any calendar year. Such limitations are to be imposed when the Secretary of Agriculture estimates that imports of articles provided for in TSUS 106.10, 106.22, 106.25, 107.55 and 107.62 (hereinafter referred to as "meat articles"), in the absence of limitations under the Act during such calendar year, would equal or exceed 110 percent of the estimated aggregate quantity of meat articles prescribed for calendar year 1986 by subsection 2(c) as adjusted under subsection 2(d) of the Act.

In accordance with the requirements of the Act, I have made the following estimates:

1. The estimated aggregate quantity of meat articles prescribed by subsection 2(c) as adjusted by subsection 2(d) of the Act for calendar year 1986 is 1,309 million pounds.

2. The first quarterly estimate of the aggregate quantity of meat articles which would, in the absence of limitations under the Act, be imported during calendar year 1986 is 1,300 million pounds.

Done at Washington, DC this 26th day of December, 1985.

John R. Block,

Secretary.

[FR Doc. 85–30939 Filed 12–31–85; 8:45 am]

BILLING CODE 3410–10–M

Forest Service

Helen Timber Sale, Colville National Forest, Ferry County, WA; Intent To Prepare an Environmental Impact Statement

The Department of Agriculture, Forest Service, will prepare an Environmental Impact Statement for the proposed Helen Timber Sale on the Republic Ranger District. The Environmental Impact Statement will be prepared in accordance with existing Forest Service rules and regulations.

A range of alternatives involving various levels of timber harvest and road construction, along with the no-action alternative will be considered.

Federal, State, and local agencies, potential purchasers, and other individuals or organizations who may be interested in or affected by the decision will be invited to participate in the scoping process. This process will include:

1. Identification of potential issues.
2. Identification of issues to be analyzed in depth.
3. Elimination of insignificant issues, issues covered by previous environmental analysis, and issues beyond the scope of this decision.
4. Determination of potential cooperating agencies and assignment of responsibilities.

Scoping for this project will begin in January 1986. A public meeting is scheduled for January 14, 1986, to record public issues and concerns, provide information, and answer any questions about the proposal.

The analysis is expected to take about five months. The draft environmental impact statement should be available for public review and comment in May, 1986. The final environmental impact statement should be available in September, 1986.

William D. Shenk, Forest Supervisor of the Colville National Forest is the responsible official.

Written comments and suggestions concerning this proposal should be sent to Gus Nichols, District Ranger, Republic Ranger Station, Republic, Washington 99166.

Questions about the proposed action and environmental impact statement should be directed to Rick Floch, Republic Ranger Station, Republic, Washington 99166 (telephone: 509–775–3305).

Dated: December 20, 1985.

William D. Shenk,

Forest Supervisor.

[FR Doc. 85–30945 Filed 12–31–85; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

International Trade Administration

Short Supply Reviews on Certain Steel Strip and Wire Products; Request for comments

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice and Request for comments.

SUMMARY: The Department of Commerce hereby announces its review of requests for short supply determinations under Article 8 of the U.S.-EC Arrangement on Certain Steel Products with respect to mechanical trowel steel, rotogravure doctor blade steel, coater blade steet, T–4 feeler gauge steel, texture rolled carbon steel strip, copper coated steel wire, and high carbon spring wire.

EFFECTIVE DATE: Comments must be submitted no later than ten days from publication of this notice.

ADDRESS: Send all comments to Joseph A. Spetrini, Director, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC 20230, Room 3099.

FOR FURTHER INFORMATION CONTACT: Nicholas C. Tolerico, Office of Agreements Compliance, Import Administration, U.S. Deaprtment of Commerce, 14th and Constitution Avenue NW., Washington, DC 20230, Room 3087B, (202) 377–4036.

SUPPLEMENTARY INFORMATION: Article 8 of the U.S.-EC Arrangement on Certain Steel Products provides that if the U.S.". . . determines that because of abnormal supply or demand factors, the U.S. steel industry will be unable to meet demand in the USA for a particular product (including substantial objective evidence such as allocation, extended delivery periods, or other relevant factors), an additional tonnage shall be allowed for such product . . ."

We have received short supply requests for the following products:

1. Mechanical Trowel Steel: AISI 1075 high carbon, cold-rolled steel strip, hardened, tempered, polished, with clean slit edges in the following sizes (width x thickness):

A. 6 in. x .062 in.
B. 6 in. x .092 in.
C. 8.125 in x .074 in.
D. 8.125 in. x .092 in.

2. Rotogravure Doctor Blade Steel: 1.0% carbon, cold-rolled, hardened, tempered, and polished steel strip in coils, in thickness ranging from .00315 to .010 inch and in widths ranging from two to seven inches.

3. Coater Blade Steel: 1.0% carbon, cold-rolled, hardened, tempered, and polished steet strip in coils, in thicknesses ranging from .012 to .050 inch and in widths ranging from 2.5 to 4.25 inches.

4. Swedish T–4 Feeler Gauge Steel: General specification AISI 1095, hardened and tempered, bright polished; round polished edges, in widths of .250 inch and .505 inch, and in thickness raning from .001 to .065 inch.

5. Texture Rolled Carbon Steel Strip: No more than .015 inch in thickness and 7.61 inches in width, with a tensile strength of 330,000—341,500 PSI. This product is to be processed into springs for motor vehicle seat belts, and must meet certain chemical, spring back, and bending test requirements.

6. Copper Coated steel Wire: cold rolled flat wire, electrolytically coated, with a width equal to 5.0 mm +/−0.3 mm and a thickness of 0.35 mm+/−0.02 mm. Plating is 2,5 microns and the product must be packed on plastic throw away cassettes, two strands per reel separated by cardboard, in 6.0 kg weights (approximate total length of 429 meters).

7. Fine Diameter High Carbon Spring Wire: round wire in ASTM specification A–228 in sizes ranging from 0.003 to 0.030 inch and square wire in ASTM 227/228 in sizes ranging from 0.015 to 0.047 inch. The product is used in electrical applications and in the manufacture of specialty brush wire.

Any party interested in commenting on these requests should send written comments as soon as possible, and no later than ten days from publication of this notice. Comments should focus on the economic factors involved in granting or denying these requests.

Commerce will maintain these requests and all comments in public files. Anyone submitting business proprietary information should clearly identify that portion of their submission and also provide a non-proprietary submisison which can be placed in the public file. The public files will be maintained in the Central Records Unit, Import Administration, U.S. Department of Commerce, Room B–099 at the above address.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

December 26, 1985.

[FR Doc. 85–30981 Filed 12–31–85; 8:45 am]

BILLING CODE 3510–DS–M

Export Trade Certificate of Review; Application Notice

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Application.

SUMMARY: The Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, has received an application for an Export Trade Certificate of Review. This notice summarizes the conduct for which certification is sought and requests comments relevant to whether the certificate should be issued.

FOR FURTHER INFORMATION CONTACT: James V. Lacy, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (Pub. L. 97–290) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A certificate of review protects its holder and the members identified in it from private treble damage actions and from civil and criminal liability under Federal and State antitrust laws for the export conduct specified in the certificate and carried our during its effective period in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether a certificate should be issued. An original and five (5) copies should be submitted not later than January 22, 1986 to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 5618, Washington, D.C. 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as "Export Trade Certificate of Review, application number 85–00019."

Applicant: Monsanto Company, 800 N. Lindbergh Boulevard, St. Louis, MIssouri 63167

Contact: Mr. Richard A. Kleine, Antitrust Counsel, 314/694–3720

Application #: 85–00019

Date Deemed Submitted: December 18, 1985

Members (in addition to applicant): None

Summary of the Application

A. Export Markets and Trade

Monsanto Company intends to export worldwide the following goods and services:

1. Herbicides (including, without limitation, Avedex® B.W., Lasso ®, Machete ® and Roundup ®) and the active ingredients, chemical intermediates, and other raw materials (including, without limitation, triallate, alachlor, acetachlor, butachlor, and glyphosate) used to formulate or produce herbicides.

2. Machinery and equipment suitable for the production and formulation of herbicides.

3. Technology, including patent, trademark, know-how, and other confidential proprietary information, relating to the production, formulation and use of herbicides.

4. Process and engineering information and training relating to the production and formulation of herbicides.

B. Export Trade Activities and Methods of Operation

Monsanto Company seeks certification to:

1. Enter into agreements with foreign entities, including foreign governments, foreign government organizations, foreign state manufacturing companies and/or foreign trading companies and foreign corporations, whereby such entities may use Monsanto's property rights, including patent, trademark, know-how, and other technical and commercial proprietary information (hereinafter referred to as "property rights"), in the production, formulation, distribution, use and/or sale of herbicides. The agreements may include technology licensing arrangements on an exclusive or non-exclusive basis and partnerships or joint ventures between Monsanto and foreign entities.

2. Include in these agreements the following provisions and restrictions:

a. The foreign entity may utilize Monsanto's property rights only at

specified locations or in designated geographic areas.

b. the foreign entity may not sell products, produced using Monsanto's property rights, in the United States or in any geographic area not specified by Mansanto.

c. The foreign entity may utilize Monsanto's property rights only to produce products of a particular type, of a particular formulation, or for a particular use.

d. The foreign entity may not license or transfer any Monsanto property rights without Monsanto's prior approval.

e. The foreign entity may produce, distribute, or use only specific volumes of products using Monsanto's property rights.

f. The foreign entity must purchase solely from Monsanto, for a period of as many as 20 years, its requirements of active ingredients, chemical intermediates, and other raw materials for production of products using Monsanto's property rights.

g. The foreign entity must purchase solely from Monsanto, for a period of as many as 20 years, its requirements for the products it formulates or produces using Monsanto's property rights, to the extent that its capacity to formulate or produce such products itself is insufficient to supply its requirements.

h. The foreign entity may not employ property rights acquired from any other source to produce, formulate, or sell products competitive with the products produced using Monsanto's property rights.

i. The foreign entity may not sell products competitive with the products produced using Monsanto's property rights.

3. Include in these agreements provisions requiring the use of Monsanto's trademarks to identify products manufactured using Monsanto's property rights, and prohibiting the use of Monsanto's trademarks to identify products not manufactured using Monsanto's property rights.

4. Include in these agreements the following provisions and restrictions:

a. Monsanto may export to the foreign entity machinery and equipment for the production and/or formulation of herbicides.

b. The foreign entity must use the machinery and equipment provided by Monsanto for a period of as many as 20 years solely to produce products using Monsanto's property rights.

c. The foreign entity may not use the machinery and equipment provided by Monsanto, for a period of as many as 20 years, to produce products competitive with products that may be produced and/or sold using Monsanto's property rights.

d. The foreign entity may not use raw materials acquired from any source other than Monsanto for a period of as many as 20 years to produce and/or sell products using the machinery and equipment provided by Monsanto Company.

e. The foreign entity may not use the machinery and equipment provided by Monsanto to produce products in excess of volumes specified by Monsanto.

f. The foreign entity may not sell products produced using the machinery and equipment provided by Monsanto in the United States or in any geographic area not specified by Monsanto.

Date: December 27, 1985.

George Muller,

Deputy Director, Office of Export Trading, Company Affairs.

[FR Doc. 85-30745 Filed 12-31-85; 8:45 am]

BILLING CODE 3510-DR-M

Minority Business Development Agency

American Indian Business Consultants (AIBC) Program; Application Announcement

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its American Indian Business Consultants (AIBC) Program to operate a AIBC for a 3 year period, subject to available funds and satisfactory performance. The cost of performance for the first 12 months is estimated at $200,000 for the budget period of March 3, 1986 to February 3, 1987. The AIBC will operate in the Continental U.S.

The funding instrument for the AIBC will be a cooperative agreement and competition is open to American Indian non-profit organizations and for profit firms (those entities which are owned or controlled by one or more American Indian persons).

The AIBC will provide specialized consultant services to qualified American Indians who are interested in becoming owners of business firms, or are owners of business firms, and are located within the Continental U.S. In order to accomplish this, MBDA supports AIBC programs that can: coordinate and broker public and private sector resources on behalf of American Indian individuals and firms; offer them a full range of specialized consultant services; serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of American Indian business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance.

The AIBC will operate for a 3 year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an AIBC's satisfactory performance, the availability of funds, and Agency priorities.

Closing date: The closing date for applications is February 3, 1986 Applications must be postmarked on or before February 3, 1986.

ADDRESS: Assistant Director, Office of Enterprise Development, Minority Business Development Agency, Dept. of Commerce, Room. 5099, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Luis G. Encinias, (202) 377-3816.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information copies of application kits and applicable regulations can be obtained at the above address.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Date: December 26, 1985.

Luis G. Encinias,

Assistant Director, Office of Enterprise Development.

[FR Doc. 85-30976 Filed 12-31-85; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

Pacific Fishery Management Council; Public Meeting

The Pacific Fishery Management Council's Groundfish Management Team will convene a public meeting, January 7-9, 1986, at the Oregon Department of Fish and Wildlife Building, 506 S.W. Mill Street, Porland OR, to consider options and impacts of changes in groundfish trip limits and trip frequencies; to consider a possible increase in sablefish size limits; to review first drafts of a proposed groundfish fishery management plan

amendment, and to draft reports to be presented to the Pacific Fishery Management Council during the Council's March 11–13, 1986, meeting in Portland, OR. For further information contact Joseph C. Greenely, Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, OR 97201; telephone: (503) 221–6352.

Dated: December 23, 1985.

Richard B. Boe,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 85–31006 Filed 12–31–85; 8:45 am]

BILLING CODE 3510–22–M

Permits; Foreign Fishing

This document publishes for public review a summary of applications received by the Secretary of State requesting permits for foreign vessels to fish in the fishery conservation zone under the Magnuson Fishery Conservation and Management Act (Magnuson Act, 16 U.S.C. 1801 *et seq.*)

Send comments on applications to:

Fees, Permits and Regulations Division (F/M12), National Marine Fisheries Service, Department of Commerce, Washington, DC 20235

or, send comments to the Fishery Management Council(s) which review the application(s), as specified below:

Douglas G. Marshall, Executive Director, New England Fishery Managment Council, 5 Broadway (Route 1), Saugus, MA 01906, 617/231–0422

John C. Bryson, Executive Director, Mid-Altantic Fishery Management Council, Federal Building Room 2115, 300 South New Street, Dover, DE 19901, 302/674–2331

David H.G. Gould, Executive Director, South Atlantic Fishery Management Council, Southpark Building, Suite 306, 1 Southpark Circle, Charleston, SC 29407, 803/571–1366

Omar Munoz-Roure, Executive Director, Caribbean Fishery Management Council, Banco De Ponce Building, Suite 1108, Hato Rey, PR 00818, 809/753–6910

Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Blvd., Tampa, FL 33609, 813/228–2815

Joseph C. Greenley, Executive Director, Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, OR 97201, 503/221–6352

Jim H. Branson, Executive Director, North Pacific Fishery Management Council, 411 W. Fourth Avenue, Suite 2D, Anchorage, AK 99510, 907/271–4060

Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council, 164 Bishop Street, Room 1405, Honolulu, HI 98613, 808/523–1368

For further information contact John D. Kelly or Shirely Whitted (Fees, Permits, and Regulations Division, 202–634–7432).

The Magnuson Act requires the Secretary of State to publish a notice of receipt of all applications for such permits summarizing the contents of the applications in the **Federal Register.** The National Marine Fisheries Service, under the authority granted in a memorandum of understanding with the Department of State effective November 29, 1983, issues the notice on behalf of the Secretary of State.

Indvidual vessel aplications for fishing in 1985 have been received from the Governments shown below.

Dated: December 26, 1985.

William G. Gordon,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

Fishery codes and designation of Regional Fishery Management Councils which review applications for individual fisheries are as follows:

Code	Fishery	Regional fishery management councils
ABS	Atlantic Billfishes and Sharks.	New England, Mid Atlantic, South Atlantic, Gulf of Mexico, Caribbean.
BSA	Bering Sea and Aleutian Islands Groundfish.	North Pacific.
GOA	Gulf of Alaska	Do.
NWA	Northwest Atlantic Ocean	New England, Mid-Atlantic.
SNA	Snails (Bering Sea)	North Pacific.
WOC	Pacific Groundfish (Washington, Oregon and California).	Pacific.
PBS	Pacific Billfishes and Sharks.	Western Pacific.

Activity codes which specify categories of fishing operations applied for are as follows:

Activity code	Fishing operations
1	Catching, processing and other support.
2	Processing and other support only.
3	Other support only.
4	Vessel in support of U.S. vessels (Joint Venture).

Nation/vessel name/ vessel type	Application No.	Fishery	Activity
Government of Denmark:			
Nordlandia Cargo/ Transport Vessel.	DA–85–0006	NWA	3
German Democratic Republic:			
Willi Bredel, Large Stern Trawler.	GC–85–0024	NWA	*1
Government of Japan:			
Tatsumiya Maru No. 5, Tanker Fuel/Water.	JA–85–0078	BSA, SNA, GOA	3
Kaiyo Maru No. 18, Medium Stern Trawler.	JA–85–0079	BSA,	1
Albatross, Cargo/ Transport Vessel.	JA–85–0081	BSA, GOA, NWA	3
Yoko Maru, Cargo/Transport Vessel.	JA–85–0087	BSA, GOA NWA, SNA	3
Punente, Cargo/ Transport Vessel.	JA–85–0132	BSA, GOA NWA, SNA	3
Polish People's Republic:			
Wloczник, Large Stern Trawler.	JA–85–0020	BSA, GOA WOC	*1
Kaszuby 2, Cargo/ Transport Vessel, GOA, WOC.	3		
Zulawy, Cargo/ Transport Vessel.	PL–85–0041	BSA, GOA, WOC	3
Wineta, Cargo/ Transport Vessel.	PL–85–0061	BSA, GOA, WOC	3
Kapitan Ledochowski, Cargo/Transport Vessel.	PL–85–0087	BSA, GOA, WOC	3
Zyrardow, Cargo/ Transport Vessel.	PL–85–0089	BSA, GOA, WOC	3
Gdynski Kosynier, Cargo/Transport Vessel.	PL–85–0090	BSA, GOA, WOC	3
Dzieci Polskie, Cargo/Transport Vessel.	PL–85–0091	BSA, GOA, WOC	3
Mazury, Cargo/ Transport Vessel.	PL–85–0098	BSA, GOA, WOC	3
Antoni Garnuszewski, Cargo/Transport Vessel.	PL–85–0106	BSA, GOA, WOC	3
Plock, Cargo/ Transport Vessel.	PL–85–0109	BSA, GOA, WOC	3
Government of Spain:			
Costa De Normandia, Medium Stern Trawler.	SP–85–0054	NWA	*1
F.J. Garaygordobil, Cargo/Transport Vessel.	SP–85–0181	NWA	3

[FR Doc. 85–31007 Filed 12–31–85; 8:45 am]

BILLING CODE 3510–22–M

DEPARTMENT OF DEFENSE

Department of the Navy

Intent To Prepare an Environmental Impact Statement for West Coast Battleship Surface Action Group (BB SAG)/Cruiser Destroyer Group (CRUDESGRU) Homeporting

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and the Council on Environmental Quality Guidelines (40 CFR Part 1500) the U.S. Navy will prepare an Environmental Impact Statement for the

West Coast homeporting of a Battleship Surface Action Group (BB SAG) and a Cruiser/Destroyer Group (CRUDESGRU).

The Secretary of Defense has announced that the San Francisco Bay area (Treasure Island) is the "preferred alternative" homeport for the battleship U.S.S. *Missouri* (BB–63), and a portion of the BB SAG consisting of one guided missile cruiser. The balance of the BB SAG homeporting will include one guided missile cruiser and three destroyers in Pearl Harbor, Hawaii, and four frigates in Long Beach, California. A 7–9 ship CRUDESGRU, comprising cruiser, destroyer, guided-missile destroyer and frigate class ships, is also proposed to be homeported in the San Francisco Bay Area. The proposal also includes facilities required to support the ships and associated personnel. Current homeport areas are at or near capacity and prudent military planning dictates that the Navy disperse its inceasing fleet.

Alternatives: The alternatives to be evaluated will be as follows:

Alternative 1—Battleship/Cruiser, CRUDESGRU (1–3) Ships, Shore Intermediate Maintenance Activity (SIMA) Detachment, Pier Extension at Treasure Island; CRUDESGRU (4–6 Ships), SIMA Expansion at Hunters Point.

Alternative 2—Battleship/Cruiser and Pier Extension at Treasure Island; CRUDESGRU (7–9 Ships), and SIMA Expansion at Hunters Point.

Alternative 3—Battleship/Cruiser, CRUDESGRU (7–9 Ships), Pier Extension, new Pier, new SIMA at Treasure Island.

Alternative 4—Battleship/Cruiser, CRUDESGRU (1 Ship) and Pier Extension at Treasure Island; CRUDESGRU (6–8 Ships), SIMA Expansion and new Pier at Naval Air Station, Alameda.

Alternative 5—Battleship/Cruiser, CRUDESGRU (7–9 Ships) and new SIMA at Hunters Point.

Alternative 6—No Project.

Alternatives 1–5 are based on the SAG distribution as announced by the Secretary. Alternatives 1–4 assume that NRF ships and SIMA are located at Hunters Point. Alternative 5 assumes that Naval Reserve Force ships (6) and SIMA are located at NAVSTA Treasure Island.

The Navy will receive written comments for consideration and possible incorporation in the Draft Environmental Impact Statement (DEIS). As indicated in the CEQ guidelines, issues and impacts shall be discussed in proportion to their significance. The proposed scope of the DEIS will consider impacts on earth resources, such as soils and geology, land use and historic significance as minimal and will address these impacts by brief discussion. Other impacts, involving air quality, water quality, noise, biological and socio-economic issues, will be addressed commensurate noise, biological and socio-economic issues, will be addressed commensurate with their significance. Interested persons, or organizations, Federal, state and local agencies are invited to address their comments to: Commander, Western Division, Naval Facilities Engineering Command, P.O. Box 727, 900 Commodore Drive, San Bruno, CA 94066–0720. Attention: Mr. Dana Sakamoto, Head Planning Implementation Branch, (415) 877–7590.

In order that comments may be considered in a timely fashion, correspondence should be received not later than January 20, 1986. The DEIS is scheduled to be available to the public in early 1986.

December 27, 1985.

William F. Roos, Jr.,

LT, JAGC, USNR, Federal Register Liaison Officer.

[FR Doc. 85–30964 Filed 12–31–85; 8:45 am]

BILLING CODE 3810–AE–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA–C&E–86–17; OFP Case No. 67052–9303–20, 21–24]

Acceptance of Petition for Exemption and Availability of Certification by Temple-Eastex Inc.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of acceptance of petition for exemption and availability of certification by Temple-Eastex Incorporated.

SUMMARY: On November 21, 1985, Temple-Eastex Incorporated (Temple) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent cogeneration exemption for their proposed Diboil, Texas cogeneration facility from the prohibitions ot Title II of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) ("FUA" or "the Act"). Title II of FUA prohibits both the use of petroleum and natural gas as a primary energy source in any new powerplant and the construction of any such facility without the capability to use an alternate fule as a primary energy source. Final rules setting forth the prohibitions of Title II of FUA are found in 10 CFR Parts 500, 501, and 503. Final rules governing the cogeneration exemption were revised on June 25, 1985 (47 FR 29209, July 6, 1982), and are found at 10 CFR 503.73..

ERA has determined that the petition appears to include sufficient evidence to support an ERA determination, and it is therefore accepted pursuant to 10 CFR 501.3. A review of the petition is provided in the **SUPPLEMENTARY INFORMATION** section below.

As provided for in sections 702 (c) and (d) of FUA and 10 CFR 501.31 and 501.33, interested persons are invited to submit written commnents in regard to this petition and any interested person may submit a written request that ERA convene a public hearing.

The public file containing a copy of this Notice of Acceptance and Availability of Certification, as well as other documents and supporting materials on this proceeding, is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue SW., Room 1E–190, Washington, DC 20585, from 9:00 a.m. to 4:00 p.m., Monday through Friday, except Federal holidays.

ERA will issue a final order granting or denying the petition for exemption from the prohibitions of the Act within six months after the end of the period for public comment and hearing, unless ERA extends such period. Notice of any extension, together with a statement of reasons therefore would be published in the **Federal Register**.

DATES: Written comments are due on or before February 18, 1986. A request for a public hearing must be made within this same 45-day period.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing shall be submitted to: Office of Fuels Programs, Room GA–045, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585.

Docket No. ERA–C&E86–17 should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Frank Duchaine, Division of Coal & Electricity, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue SW., Room GA–045, Washington, DC 20585. Telephone (202) 252–8233

Steven E. Ferguson, Esq., Office of General Counsel, Department of Energy, Forrestal Building, Room 6A–113, 1000 Independence Avenue SW.,

Washington, DC 20585. Telephone (202) 252–6947.

SUPPLEMENTARY INFORMATION: Temple plans to construct and operate a cogeneration facility in Diboll, Texas to generate electricity and to produce useful thermal energy output from natural gas.

The major mechanical components of this proposed combined-cycle cogeneration unit are two General Electric Frame 7 gas turbine generators, (or comparable), two waste heat recovery boilers and a 62 MW condensing steam turbine. The turbines will be fired by natural gas, with No. 2 fuel oil as an auxiliary fuel only. The system has a total rated electric power output of 220 megawatts, and 99,500 lbs/hr of process steam will be recovered.

Section 212(c) of the Act and 10 CFR 503.37 provide for a permanent cogeneration exemption from the prohibitions of Title II of FUA. In accordance with the requirements of § 503.37(a)(1), Temple has certified to ERA that:

1. The oil or gas to be consumed by the cogneration facility will be less than that which would otherwise be consumed in the absence of the cogeneration facility, where the calculation of savings is in accordance with 10 CFR 503.37(b); and

2. The use of a mixture of oil or natural gas and an alternate fuel for the cogeneration facility, for which an exemption under 10 CFR 503.38 would be available, would not be economically or technically feasible.

In accordance with the evidentiary requirements of § 503.37(c) (and in addition to the certifications discussed above), Temple has included as part of its petition:

1. Exhibits containing the basis for the certifications described above; and

2. An environmental impact analysis, as required under 10 CFR 503.13.

In processing this exemption request, ERA will comply with the requirements of the National Environmental Policy Act of 1969 (NEPA); the Council on Environmental Quality's implementing regulations, 40 CFR 1500 *et seq.*; and DOE's guidelines implementing those regulations, published at 45 FR 20694, March 28, 1980. NEPA compliance may involve the preparation of (1) an Environmental Impact Statement (EIS); (2) an Environmental Assessment; or (3) a memorandum to the file finding that the grant of the requested exemption would not be considered a major Federal action significantly affecting the quality of the environment. If an EIS is determined to be required, ERA will publish a Notice of Intent to prepare an EIS in the **Federal Register** as soon as possible. No final action will be taken on the exemption petition until ERA's NEPA compliance has been completed.

The acceptance of the petition by ERA does not constitute a determination that Temple is entitled to the exemption requested. That determination will be based on the entire record of this proceeding, including any comments received during the public comment period provided for in this notice.

Issued in Washington, DC, on December 26, 1985.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 85–30979 Filed 12–31–85; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. TA86–5–20–000 & 001]

Algonquin Gas Transmission Co., Proposed Changes in FERC Gas Tariff

December 24, 1985.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on December 19, 1985, tendered for filing the following tariff sheets to its FERC Gas Tariff, Second Revised Volume No. 1:

Eight Revised Sheet No. 211
Eighteenth Revised Sheet No. 213

Algonquin Gas states that such tariff sheets are being filed to reflect an increase in its Rate Schedules STB and S–IS Space Charges as reflected in Texas Eastern Transmission Corporation's ("Texas Eastern") underlying Rate Schedules SS–II and ISS–III. Algonquin Gas also states that Eighteenth Revised Sheet No. 213 reflects the revised GRI funding unit in the S–IS Payment for Inventory Sale Gas, as approved by the Commission in Opinion No. 243 issued on September 26, 1985 in Docket No. RP85–154–000.

Algonquin Gas requests that the Commission accept Eighth Revised Sheet No. 211 and Eighteenth Revised Sheet No. 213 to be effective January 1, 1986 to coincide with the proposed effective date of Texas Eastern's rate change.

Algonquin Gas notes that a copy of this filing is being served upon each affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 3, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–30996 Filed 12–31–85; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER86–30–000]

Dayton Power and Light Co.; Supplemental Filing

December 24, 1985.

Take notice that on November 14, 1985 Dayton Power and Lighit Company (DP&L) submitted for filing in this docket additional documents providing cost support for the one mill energy related charge in its filing in this docket. DP&L states in this filing that it is renewing its request for a waiver of the notice requirements so that the filing may become effective November 1, 1985.

DP&L states that it has sent copies of the supplemental filing to the Public Utilities Commission of Ohio and to the City of Piqua, Ohio.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 3, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–30997 Filed 12–31–85; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER86-72-000]

El Paso Electric Co.; Order Accepting for Filing and Suspending Rates, Noting Interventions, Granting in Part and Denying in Part Requests for Waiver, and Establishing Hearing Procedures

Issued: December 27, 1985.

Before Commissioners: Raymond J. O'Connor, Chairman; A. G. Sousa, Charles G. Stalon, Charles A. Trabandt and C. M. Naeve.

On October 28, 1985, El Paso Electric Company (EPE) submitted for filing a proposed modification of the fuel adjustment clause contained in its rates for wholesale service to three customers,[1] together with a request for waiver of § 35.14 of the Commission's regulations (18 CFR 35.14). EPE has a 15% ownership interest in the Palo Verde Nuclear Generating Station Unit No. 1 (Palo Verde), which began generating test energy on June 10, 1985. By this filing, the company seeks to amend its present fuel adjustment clause to allow it to calculate its fuel costs as if there were no test energy being generated except to the extent that the facilities generating test energy are in the rate base as construction work in progress (CWIP). EPE requests waiver of the notice requirements so that the proposed fuel adjustment clause may become effective on June 10, 1985, the date that Palo Verde Unit No. 1 began generating test energy.

EPE states that in *Pennsylvania Power & Light Co.*, Opinion No. 176, 23 FERC § 61,395 (1983) (*PP&L*), the Commission based its approval of a test energy fuel adjustment clause proposed by PP&L, in part, on the total exclusion of CWIP from PP&L's rate base. EPE states that Opinion No. 176 did not reach the issue presented in this docket regarding the treatment necessary when a portion of CWIP associated with the facilities being tested is in rate base. EPE proposes to calculate the portion of test energy related to CWIP in rate base according to the ratio between (a) the amount of CWIP in the facility generating test energy which is already included in rate base, and (b) the total amount of CWIP invested in that facility during the current month. This portion of test energy savings would be passed on to the customers. As to the portion of test energy not related to CWIP in rate base, EPE states that system conditions and energy availability in the last two or three years have allowed it to purchase up to 60% of the energy requirements needed to serve its native load. When purchases reach the 60% level, EPE states that it has reached its maximum transmission import capability and, therefore, Palo Verde test energy would replace economy energy purchases which otherwise would have been made. During these system load conditions, EPE proposes to use the cost of the most expensive economy energy which EPE would have purchased as the fair value of test energy not related to CWIP in rate base. At other times, EPE states that the amount of economy energy available is not sufficient to meet up to 60% of its energy requirements and that it must increase its gas and oil-fired generation. During these periods, the fair value of Palo Verde test energy will be based on the incremental fuel cost of local generation which is dispatched on an economic basis.

Notice of EPE's filing was published in the Federal Register,[2] with comments due on or before November 14, 1985. Timely motions to intervene were filed by Imperial Irrigation District (IID), Texas-New Mexico Power Company (TNP), and Rio Grande Electric Cooperative, Inc. (Rio Grande). IID requests that EPE's filing be suspended for one day and set for hearing on several issues, including EPE's method for determining the fair value of test energy, and the treatment of test energy as it relates to CWIP in rate base. With regard to the requested effective date, IID requests that waiver of the notice requirements be denied. IID states that, presumably, the savings resulting from test energy have already flowed through the fuel adjustment clause and, thus, a surcharge would be necessary to recoup the difference between actual and "fair value" energy costs from June 10, until the present.[3] This, IID argues, would constitute retroactive ratemaking. Finally, IID requests that EPE be directed to supplement its filing with detailed cost support information.

TNP also requests a hearing regarding EPE's fair value pricing method; however, it does not object to EPE's requests for waiver of the notice requirement and the fuel clause regulations to make the proposal effective as of June 10, 1985. Rio Grande's motion to intervene raises no substantive issues.

On November 29, 1985, EPE filed an answer to the motions to intervene. EPE states that its proposal conforms to the Commission's policy of not requiring fuel cost savings resulting from test generation to be flowed through to ratepayers who are not yet paying the fixed costs which made the savings possible.

Discussion

Under Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the timely, unopposed motions to intervene serve to make IID, TNP, and Rio Grande parties to this proceeding.

The Commission has previously granted several waiver applications similar to that of EPE. In *PP&L, supra*, we found that, absent waiver of the fuel clause regulations, the current ratepayers would receive the benefits of test energy in the form of decreased fuel costs while future ratepayers would incur all the costs associated with the test energy through higher rates resulting when CWIP is ultimately included in rate base. We concluded that, by allowing waiver of the regulations and crediting the fair value of test energy to the plant account, the future ratepayers who ultimately bear the costs of the facility undergoing testing will receive corresponding benefits through lower rates.

The situation in this case is similar, although not identical, to that in *PP&L*. Here, EPE's wholesale customers have not been paying for the total carrying costs associated with Palo Verde CWIP; thus, some retention of test energy savings by EPE is appropriate. However, unlike *PP&L*, EPE's present rates (filed in Docket No. ER84-236-000, effective September 22, 1984), include some CWIP investment in Palo Verde. Because EPE's wholesale customers have been paying rates since September 22, 1984, to compensate EPE for a portion of its carrying costs on Palo Verde, the curent wholesale customers should be given a credit for a portion of the low cost energy.[4] Accordingly, we shall grant waiver of the fuel clause regulations to the extent that we shall accept EPE's proposed amendment to its fuel adjustment clause for filing. However, in light of the customers' allegations concerning EPE's proposed fuel adjustment clause, we shall suspend its operation as ordered below and set the matter for hearing.

With respect to IID's request that EPE supplement its filing, we find that the Company's submittal minimally satisfies our threshold filing requirements. To the extent that IID and other participants need additional information, they may seek this during the course of the evidentiary hearing which we shall order.

[1] *See* Attachment for rate schedule designations.

[2] 50 *FR* 46,822 (1985).

[3] EPE has informed the Commission's staff that, in fact, it implemented its proposed fuel adjustment clause on June 10.

[4] *Accord, Kansas Gas and Electric Company*, 32 FERC ¶ 61,083 (1985).

In *West Texas Utilities Company*, 18 FERC ¶ 61,189 (1982), we explained that where our preliminary examination indicates that proposed rates may be unjust and unreasonable, but may not be substantially excessive, as defined in *West Texas*, we would generally impose a nominal suspension. Here, our examination suggests that EPE's proposed rates may not yield substantially excessive revenues. Accordingly, we find that a nominal suspension of EPE's rates is appropriate.

As noted above, EPE requests a June 10, 1985 effective date and therefore seeks waiver of the notice requirements. EPE has not shown good cause for the waiver. Presumably, the company was aware before June 10, that Palo Verde Unit No. 1 would commence producing test energy, and could have filed a timely petition for waiver of the Commission's fuel clause regulations. Further, one of the affected customers (IID) objects to the request for waiver. Accordingly, we shall deny the request for waiver [5] and shall suspend EPE's proposed fuel adjustment clause for one day from sixty days after filing, to become effective on December 29, 1985, subject to refund. To the extent that EPA has billed its wholesale customers under the proposed fuel adjustment clause for service prior to December 29, 1985, we shall direct the Company to refund the difference between these amounts and the amounts recoverable under the existing fuel adjustment clause, together with interest as provided for by the Commission's regulations.

The Commission Orders

(A) EPE's request for waiver of § 35.14 of the Commission's regulations is granted, as discussed in the body of this order, to the extent necessary to accept the proposed fuel adjustment clause for filing.

(B) EPE's request for waiver of the notice requirements is hereby denied.

(C) EPE's proposed fuel adjustment clause is hereby accepted for filing and suspended for one day, to become effective, subject to refund, on December 29, 1985.

(D) Within thirty (30) days of the date of this order, EPE shall refund the difference in amounts collected under its proposed fuel adjustment clause prior to December 29, 1985, and the amounts recoverable under its existing fuel adjustment clause, together with interest as provided for in § 35.19a of the Commission's regulations, 18 CFR 35.19a (1985). Within ten (10) days thereafter, EPE shall file a refund report with the Commission.

(E) EPE is hereby ordered to file, within thirty (30) days of the end of testing of Palo Verde, the accounting entries made to effect its treatment of test power, including a detailed explanation of the derivation of all figures.

(F) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held concerning the justness and reasonableness of EPE's proposed fuel adjustment clause.

(G) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the date of this order, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. The presiding judge is authorized to establish procedural dates, and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(H) Subdocket No. –000 of Docket No. ER86–72 is hereby terminated. The evidentiary hearing established herein is assigned Docket No. ER86–72–001.

(I) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[5] *Accord, Public Service Co. of New Mexico*, 32 FERC ¶ 61,354 (1985).

El Paso Electric Company, Rate Schedule Designations

Docket No. ER86–72–000

Filed: October 28, 1985.

Designation	Description	Othe party
(1) Supplement No. 6 to Rate Schedule FERC No. 35 (Supersedes Supplement No. 5).	Rates and Revised Fuel Adjustment Clause.	Texas-New Mexico Power Company.
(2) Supplement No. 12 to Rate Schedule FERC No. 18 (Supersedes Supplement No. 18 (Supersedes Supplement No. 11).	.....Do.....	Rio Grande—Dell City.
(3) Supplement No. 13 to Rate Schedule FERC No. 19 (Supersedes Supplement No. 12).	.....Do.....	Rio Grande—Van Horn.
(4) Supplement No. 6 to Rate Schedule FERC No. 39 (Supersedes Supplement No. 2).	.....Do.....	Imperial Irrigation District.

[FR Doc. 85–30744 Filed 12–31–85; 8:45 am]

BILLING CODE 6717–01–M

[ID–2213–000]

Gene P. Gardner; Application

December 27, 1985.

Take notice that on December 9, 1985, Gene P. Gardner, pursuant to section 305(b) of the Federal Power Act, submitted for filing an application to hold interlocking positions:

Director, Louisville Gas and Electric Company—Public Utility

Director, Hall Contracting Corporation—Supplying Electrical equipment

Any person desiring to be heard or to protest said filings should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 6, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–31013 Filed 12–31–85; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP86–31–000]

Granite State Gas Transmission, Inc.; Petition for Authority To Recover for Retroactive Production-Related Cost Allowances by Direct Billing Procedure

December 24, 1985.

Take notice that on December 18, 1985, Granite State Gas Transmission, Inc. (Petitioner), 120 Royall Street, Canton, Massachusetts 02021 filed a petition with the Commission requesting authorization to recover for certain retroactive production-related cost

allowances by directly billing its jurisdictional customers, Bay State Gas Company and Northern Utilities, Inc.

Petitioner states that it does not directly incur any of the production-related cost allowances authorized under section 110(a) of the Natural Gas Policy Act of 1978 (NGPA) and § 271.1104 of the Commission's NGPA rules. Petitioner further states that it purchases firm supplies from Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) and from Consolidated Gas Transmission Corporation (Consolidated) and short-term purchases from National Fuel Gas Supply Corporation (National Fuel). Petitioner states that Tennessee and Consolidated have received authority from the Commission to bill directly for retroactive production-related cost allowances and National Fuel has a request for such authority pending before the Commission. Petitioner states that it has been advised by Tennessee that Tennessee will commence billing Petitioner in February 1986 on a monthly basis for retroactive production-related costs and Petitioner expects direct billings in due course for such retroactive charges applicable to its purchases from Consolidated and National Fuel.

Petitioner states that recovering for the retroactive production-related allowances billed directly by its pipeline suppliers through its purchased gas cost procedures would result in extending the recovery period for such charges, causing cash flow problems. Additionally, Petitioner states that recovery for such costs should be accomplished by directly billing its customers for their proportionate shares of the retroactive costs during the past periods to which the costs apply which can be accomplished on a direct billing basis but not under purchased gas cost adjustment procedures.

Petitioner states that copies of its petition have been served upon the regulatory commissions of the States of Maine, Massachusetts and New Hampshire.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214). All such motions or protests should be filed on or before January 3, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-31014 Filed 12-31-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-1-55-002]

Mountain Fuel Resources, Inc.; Rate Change

December 24, 1985.

Take notice that Mountain Fuel Resources, Inc. (MFR) on December 17, 1985, tendered for filing and acceptance Substitute Fourth Revised Sheet No. 13 and Substitute Fifth Revised Sheet No. 13 to its FERC Gas Tariff, First Revised Volume No. 1. MFR states that these sheets provide for rates applicable to service which is subject to its Purchased Gas Cost Adjustment (PGCA) provision.

MFR states that these sheets are filed in compliance with the Commission's November 25, 1985, letter order in these dockets and Part 154 of this Commission's Regulations. To comply with the Commission's order, MFR has eliminated certain "other" charges associated with purchases from the East Dry Creek Field. The net impact of this adjustment results in a revised Base Cost of Purchased Gas as Adjusted of $2.81121/Dth, which is $0.00142/Dth lower than the $2.81263/Dth proposed in the November 1, 1985, PGCA filing.

MFR has requested any necessary waivers of the Commission's Regulations to allow the tendered tariff sheets to become effective as proposed, and states that is has provided a copy of the filing to all intervenors in the proceeding and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 3, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-31015 Filed 12-31-85; 8:45 am]

BILLING CODE 6717-01-M

Northwest Central Pipeline Corp.; Change in FERC Gas Tariff

[Docket No. RP86-32-000]

December 24, 1985.

Take notice that on December 20, 1985, Northwest Central Pipeline Corporation (Northwest Central) tendered for filing Substitute Sixth Revised Sheet No. Six to Volume No. 1 of its FERC Gas Tariff. The proposed effective date of this tariff sheet is December 23, 1985.

Northwest Central states that Substitute Sixth Revised Sheet No. Six restates its base tariff rates, as required by § 154.38(d)(4)(vi)(a) of the Commission's purchased gas adjustment (PGA) Regulations. The revised tariff sheet will supercede that in effect immediately prior to December 23, 1985, but such sheet does not reflect any change in Northwest Central's currently effective rates as reflected in Northwest Central's most recent PGA filing in Docket No. TA86-1-43 and Gas Research Institute filing in Docket No. RP85-154.

Northwest Central also submitted with its filing a jurisdictional cost and revenue study, as also required by the PGA Regulations. Northwest Central states that the cost and revenues study demonstrates that Northwest Central's jurisdictional cost of service is greater by at least $21.5 million than the jurisdictional revenues at the restated rates for the sales volumes for the twelve-month period ending September 30, 1985. Northwest Central states that its filing was served on each of its customers and affected State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before January 3, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party

must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-31016 Filed 12-31-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER86-93-000]

The Washington Water Power Co.; Order Accepting for Filing and Suspending Rates, Noting Intervention, Granting Waiver, and Establishing Hearing and Price Squeeze Procedures

Before Commissioners: Raymond J. O'Connor, Chairman; A. G. Sousa, Charles G. Stalon, Charles A. Trabandt and C. M. Naeve.

Issued December 30, 1985.

On October 31, 1985, The Washington Water Power Company (WWPC) tendered for filing a proposed two-step increase in rates for firm power service to five wholesale customers.[1] The step one rates are proposed to become effective on January 1, 1986, and would increase revenues by approximately $496,000 (7.1%) for the Period I test year ended December 31, 1984. The step two rates are proposed to become effective on July 1, 1986, and would increase revenues by an additional $503,000 (6.7%), resulting in a total increase of approximately $999,000 (14.2%).

Notice of WWPC's filing appeared in the **Federal Register**[2], with comments due on or before November 15, 1985. On November 12, 1985, Citizens Utilities Company (Citizens) filed a motion to intervene requesting only intervenor status. On November 22, 1985, Citizens submitted an amended motion to intervene raising various cost of service issues [3] and alleging price squeeze. Citizens therefore requests that WWPC's filing be set for hearing. On December 13, 1985, WWPC filed a response denying Citizens' price squeeze allegations and opposing the request for a hearing.

Discussion

Under Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), Citizens' timely, unopposed motion to intervene serves to make it a party to this proceeding.

Our review of WWPC's filing and the pleadings indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the rates for filing and suspend them as ordered below.

In *West Texas Utilities Company*, 18 FERC ¶61,189 (1982), we explained that where our preliminary examination indicates that proposed rates may be substantially excessive, as defined in *West Texas*, we would generally impose a maximum suspension. Here, our examination suggests that the step one rates may not yield substantially excessive. Accordingly, we shall suspend the proposed step one rates for one day, to become effective on January 2, 1986, subject to refund, and the step two rates, for five months, to become effective on December 1, 1986, subject to refund.

We note that WWPC's proposed July 1, 1986, effective date for the step two rates does not satisfy the 60–120 day advance filing requirement of § 35.3 of the Commission's regulations. Nonetheless, we shall grant a waiver. We view WWPC's proposed effective date as reflecting a voluntary deferral of the implementation of the step two rates. We also note that none of WWPC's wholesale customers has objected to the July 1, 986 proposed effective date.

In accordance with the Commission's policy and practice established in *Arkansas Power and Light Company*, 8 FERC ¶61,131 (1979), we shall phase the price squeeze issue raised by Citizens.

The Commission Orders

(A) Waiver of the 120-day advance filing requirement is hereby granted.

(B) WWPC's proposed step one and step two rates are hereby accepted for filing and suspended to become effective on January 2, 1986, and December 1, 1986, respectively, subject to refund.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held concerning the justness and reasonableness of WWPC's rates.

(D) The Commission staff shall serve top sheets in this proceeding within ten (10) days of the date of this order.

(E) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after the service of top sheets in a hearing room of the Federal Engery Regulatory Commission, 825 North Capital Street, NE., Washington, DC 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss), as provided in the Commission's Rules of Practice and Procedure.

(F) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may modify this schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(G) Subdocket-000 in Docket No. ER86-93 is terminated. The evidentiary proceeding ordered herein is assigned subdocket-001.

(H) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A—The Washington Water Power Company

Rate Schedule Designations

Other Parties: Pacific Power & Light Company, Citizens Utilities Company, Modern Electric Water Company, City of Chewelah, Washington, and the Village of Plummer, Idaho

Designation	Description
Twelfth Revised Sheet Nos. 1, 2, 3 and 4 under FPC Electric Tariff, Original Volume No. 1 (Supersede Eleventh Revised Sheet Nos. 1, 2, 3, and 4).	Title page, index page and Schedule 61-step one.
Thirteenth Revised Sheet Nos. 1, 2, 3 and 4 under FPC Electric Traiff, Original Volume No. 1 (Supersede Twelfth Revised Sheet Nos, 1, 2, 3 and 4).	Title Page, index page and Schedule 61-step two.

[FR Doc. 85-31017 Filed 12-31-85; 8:45 am]

BILLING CODE 6717-01-M

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[1] *See* Attachment for rate schedule designations.

[2] 50 *FR* 47257 (1985).

[3] These issues include: (1) Amortization of the cost of the cancelled Skagit/Hanford Nuclear Project; (2) rate of return on common equity; and (3) cost allocation.

[Docket No. RP86-10-002]

Williston Basin Interstate Pipeline Co.; Proposed Change in FERC Gas Tariff

December 24, 1985.

Take notice that Williston Basin Interstate Pipeline Company (Williston Basin), on December 17, 1985, tendered for filing revised tariff sheets to First Revised Volume No. 1, Original Volume No. 1–A, and Original Volume No. 2 of its FERC Gas Tariff. Williston Basin states that substitute rate sheets with supporting workpapers are filed in compliance with Ordering Paragraph (B) of the Commisson's Order of November 29, 1985, requiring Williston Basin to reflect the preferred stock portion of return on capital and related taxes in the commodity component of its rates; other tariff sheets of First Revised Volume No. 1 and Original Volume No. 1–A are retendered for filing with an effective date of May 2, 1986, consistent with the Order's five-month suspension of Williston Basin's proposed rates. Williston Basin also requests clarifications of the Order with respect to certain conditions imposed and tariff sheets accepted therein.

Copies of the filing were served upon Williston Basin's jurisdictional customers, interested state regulatory agencies, and intervenors herein.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before December 31, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–31018 Filed 12–31–85; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of December 2 Through December 6, 1985

During the week of December 2 through December 6, 1985, the decisions and orders summarized below were issued with respect to applications for relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Remedial Order

Fuel Oil Supply & Terminaling, Inc., 12/5/85; HRO–0044

Fuel Oil & Terminaling, Inc. (FOSTI) objected to a Proposed Remedial Order which the Department of Energy's Economic Regulatory Administration issued to FOSTI on March 17, 1982. In the Proposed Remedial Order, the EPA alleged that during the period July 1978 through September 1978, FOSTI received illegal revenues totalling $1,583,576.93 by reselling crude oil at prices that exceeded those permitted by 10 CFR 212.186 (the layering regulation) and 210.62 (the normal business practice rule). In concluding that the Proposed Remedial Order should be issued as a final Order, the DOE found that FOSTI had failed to show that it performed any economically valuable function in its layered crude oil resale transactions which would justify a markup. The important issues discussed in the Decision and Order include: (i) The substantive and precedural validity of the layering regulation; (ii) the agency's interpretation of the layering regulation; and (iii) ERA's burden of proving a *prima facie* case to establish personal liability.

Motions of Discovery

Apex Oil Company, 12/5/85; HRD–0253, HRH–0253

Apex Oil Company filed Motions for Discovery and Evidentiary Hearing in connection with its Statement of Objections to a Proposed Remedial Order that was issued to the firm. In its discovery motion, Apex sought discovery through interrogatories and production of documents of information pertaining (i) to the audit of the firm and the computation of the amount of overcharges alleged in the PRO, (ii) the administrative record of certain rulemakings at issue in this proceeding and the DOE's contemporaneous construction of those regulations, and (iii) information concerning the prices charged by other crude oil resellers. In its Motion for Evidentiary Hearing, Apex sought to obtain testimony of ERA officials concerning the method they used to determine the amount of the alleged overcharges.

The DOE found that neither the PRO nor other supporting documents served on Apex adequately explained the manner in which the alleged overcharge figures were computed and granted discovery requiring the ERA to explain its audit methodology and the factual basis underlying the overcharge calculations. In all other respects, Apex's discovery motion was denied since it would not elicit evidence relevant and material to the issues raised in the firm's Statement of Objections. In this regard, the DOE found that (i) further discovery concerning the audit was not warranted since preliminary findings and interpretations that are not incorporated into the PRO or otherwise introduced by the ERA are irrelevant to the issues in the case and discovery of such information would impermissibly probe the decisionmaking process, (ii) no special situation existed in this case that would warrant discovery pertaining to the rulemakings in addition to the official administrative records, (iii) the regulations were not sufficiently ambiguous to make contemporaneous construction discovery appropriate, and (iv) discovery concerning the prices charged by other crude oil resellers was inappropriate since the safe harbor provision required firms to identify their nearest comparable reseller contemporaneously, and Apex did not make a preliminary showing that it had made such a determination contemporaneously.

Since discovery was granted with respect to the ERA's audit methodology, the firm's Motion for Evidentiary Hearing was dismissed without prejudice to refiling after discovery is completed.

Economic Regulatory Administration, 12/2/85; HRD–0276

The DOE's Economic Regulatory Administration (ERA) filed a Motion for Discovery in connection with a Proposed Remedial Order (PRO) that ERA issued to Texaco Inc. on February 7, 1985. The PRO alleges, *inter alia*, that during the period February 1, 1974 to July 31, 1974, Texaco used an excessive May 15, 1973 selling price in computing its maximum allowable prices for propane sales to Dow Chemical Company from Texaco's Floodway gas plant. In its Statement of Objections, Texaco contends, *inter alia*, that subsequent to the alleged violation perfod Texaco utilized an "understated" May 15, 1973 component and that the resulting cost understatement should be netted against the amount of any cost overstatement.

In its Motion for Discovery, ERA requested discovery with respect to whether Texaco had undercharges that met the requirements for "netting" which were articulated in *Mid-Continent, Inc.*, 3 FEA ¶ 80,507 (1975). In considering the request, the DOE noted that the requirements of *Mid-Continent* concerned whether a firm had reduced its selling prices to below market prices for the sole purpose of making restitution. Since Texaco's contention concerned alleged cost violations resulting from the May 15, 1973 component of its maximum allowable price calculations rather than the firm's selling prices, the DOE concluded that the firm's netting defense simply could not meet the *Mid-Continent* requirements. Accordingly, ERA's request was not necessary in order to obtain relevant and material evidence and, therefore, was denied. The DOE stated, however, that at oral argument it would consider any Texaco arguments to the effect that Texaco was entitled under some other standard to the type of cost netting requested in this case.

Supplemental Order

Consolidated Materials, Inc. Economic Regulatory Administration, 12/4/85; KRX–0006

On November 14, 21, and 22, 1985, the Office of Hearings and Appeals of the Department of Energy held three conference calls with Consolidated Materials, Inc. and

the Economic Regulatory Administration. During these calls, OHA and both parties discussed several matters pertaining to an evidentiary hearing which will be conducted in connection with an enforcement proceeding involving Consolidated. In considering the matters discussed during the conference calls, OHA decided to allow Consolidated the opportunity to nominate two additional witnesses to testify at the evidentiary hearing. In addition, OHA established a schedule for both parties to submit briefs setting forth their respective positions prior to the hearing. OHA postponed the hearing to permit Consolidated and ERA to comply with the filing schedule.

Implementation of Special Refund Procedures

City Service Inc., 12/2/85; *HEF-0050*

The DOE issued a Decision and Order establishing procedures for the disbursement of funds totaling $5,148.32 plus accrued interest. The funds were obtained as a result of a consent order entered into by the DOE and City Service, Inc. The funds will be available to injured wholesale customers (resellers and retailers) that purchased motor gasoline from City Service during the period October 1, 1979 through December 31, 1979. The DOE will presume injury with respect to resellers or retailers requesting $5,000 or less and with respect to end-users. Specific information required in applications for refund, which must be filed no later than 90 days after publication of this Decision and Order in the **Federal Register**, is set forth in the Decision. Funds remaining after all meritorious claims are paid will be distributed in a second-stage refund proceeding.

Lincoln Land Oil Company, 12/2/85; HEF-0116

The DOE issued a Decision and Order implementing a plan for the distribution of 11,387 received as a result of a consent order entered into by the DOE and Lincoln Land Oil Company (Lincoln Land) on August 31, 1981. The DOE determined that the Lincoln Land settlement fund should be distributed to customers who purchased motor gasoline fuel from Lincoln Land during the March 1, 1979 through September 30, 1979 consent order period. The specific information requested in refund applications is provided in the Decision.

Refund Applications

Aminoil U.S.A., Inc./Farmers Union Central Exchange, Inc., 12/5/85; RF139-25

The DOE issued a Decision and Order concerning an Application for Refund filed by an agricultural cooperative, Farmers Union Central Exchange, Inc. (CENEX), in connection with the Aminoil U.S.A., Inc. refund proceeding. In considering the application, the DOE found that CENEX purchased propane from Aminoil. The DOE further found that since CENEX is an agricultural cooperative, it should not be required to provide a detailed demonstration of injury, as long as it certified that it would pass through to its member-customers the refunds received. The DOE therefore granted CENEX a refund based on 100 percent of its allocable share as determined by the volumetric methodology. The total refund granted was $1,385,350, representing $874,775 in principal and $510,575 in interest.

Franks Petroleum, Inc./Kerr-McGee Corporation, 12/2/85; RF156-2

The DOE approved Kerr-McGee Corporation's application for refund from a consent order fund remitted by Franks Petroleum, Inc. Although it would be eligible for a refund of $5,545.54 on the basis of its purchase volumes, Kerr-McGee limited its request to $5,000. Since the firm's request did not exceed the threshold for small claims, the DOE approved Kerr-McGee's refund request on a presumption of injury basis. In addition to the $5,000 refund, Kerr-McGee will also receive accrued interest of $1,992.71.

Glaser Gas, Inc./Arkansas Valley Coop Association Henderson Propane Company, 12/2/85; RF174-1, RF174-3

The DOE issued a Decision and Order concerning Applications for Refund filed by two resellers of propane from Glaser Gas, Inc. Each applicant documented its purchases of Glaser propane during the consent order period and requested a refund below the $5,000 threshold level. In accordance with the procedures established in the Glaser Special Refund Proceeding, the DOE determined that each applicant should receive a refund based on its prorated portion of the alleged overcharges. The total amount of refunds approved in this Decision is $2,106 ($1,390 principal plus $716 interest).

Gulf of Corporation/North Brunswick Gulf et al., 12/5/85; RF40-02232 et al.

The DOE issued a Decision and Order granting refunds from the Gulf Oil Corporation deposit escrow fund to 40 purchasers of Gulf refined petroleum products. The refunds of these firms totaled $65,876, representing $56,598 in principal and $9,278 in interest. All the refund applicants are retailers who demonstrated that they would not have been required to reduce their selling prices to their customers by the amount of the refund they received. Gulf may be required to pay additional interest; if it does so, each applicant will receive an additional, pro rata refund.

Gulf Oil Corporation/Willie's Quall Gulf Service, Inc., 12/4/85; RF40-3074

The DOE issued a Decision and Order revising a previous Order which granted refunds to several applicants in the Gulf Oil Corporation consent order proceeding. *Gulf Oil Corporation/Younce Gulf Service, Inc. et al.*, 13 DOE ¶ 85,263 (1985). Due to an inadvertent error, the refund granted to the applicant in Case No. RF40-2368, Willie's Quall Gulf Service, was based on incorrect purchase volume data. The DOE rescinded this refund and, since no refund check had yet been issued, reimbursement to the DOE was unnecessary.

Little America Refining Company/McNear Oil Company, et al. 12/2/85; RF112-145, et al.

The DOE issued a Decision and Order concerning seven Applications for Refund filed by firms seeking a portion of the funds obtained by the DOE through a consent order which it entered into with the Little America Refining Company (Larco). One of the applicants, McNear Oil Company, elected to limit its refund claim to the small claims threshold level of $5,000. The other six applicants submitted claims below $5,000. As established in *Seminole Refining, Inc.*, 12 DOE ¶ 85,188 (1985), the DOE does not require a detailed showing of injury for refund claims at or below the $5,000 threshold level. Therefore, the DOE concluded that McNear should receive a refund equal to the threshold level, and that the other six applicants should receive a refund corresponding to their full volumetric shares on their documented purchases of Larco product. The refunds granted in this proceeding total $14,119 in principal and $6,488 in interest.

Kiesel Company/Security Armored Car Service Inc., et al., 12/4/85; RF126-1, et al.

The DOE issued a Decision and Order granting refunds to 15 firms which had filed applications and been identified by the Economic Regulatory Administration as having sustained overcharges alleged in the ERA's audit of Kiesel's sales of motor gasoline. Since the deadline for filing Applications for Refund in this proceeding had passed, and no other parties had submitted applications, this Decision concluded the first stage of the Kiesel Company refund proceeding. The amount of refunds granted to these firms totals $6,287, representing $3,731 in principal and $2,556 in interest. Approximately $6,300 (including accrued interest) of the Kiesel consent order fund remains to be distributed in a subsequent proceeding.

Navajo Refining Company/Phelps Dodge Corporation, 12/3/85; RF203-3

Phelps Dodge Corporation (Phelps), a company involved in the mining, smelting and marketing of copper, filed an Application for Refund with the Department of Energy (DOE). In its application, Phelps sought a portion of the funds obtained by the DOE through a consent order which the agency entered into with the Navajo Refining Company (Navajo). As an ultimate consumer of Navajo fuel oil, Phelps was not required to submit a detailed showing of injury. Accordingly, the DOE granted Phelps a refund of $2,430 plus $1,129 in interest on that amount.

Palo Pinto Oil & Gas/Mississippi, 12/6/85; RQ5-248

The Office of Hearings and Appeals issued a Supplemental Order authorizing the disbursement of second-stage refunds in the amount of $5,678.21 from the Palo Pinto Oil & Gas escrow account to the State of Mississippi. These additional funds were authorized for disbursement since it appeared that Mississippi had not fully received the amount of Palo Pinto funds it should have received in an earlier decision.

Texas Oil and Gas Corporation/The Coastal Corporation, Houston Natural Gas Corporation/The Coastal Corporation, 12/6/85; RF42-4, RF53-3

The DOE issued a Decision and Order concerning applications for refund from consent order funds made available by Texas Oil and Gas Corporation (TOGCO) and by

Houston Natural Gas Corporation (HNG). The applicant, the Coastal Corporation, was a reseller of natural gas liquid products (NGLPs). Coastal submitted evidence which indicated that it had maintained "negative" banks of unrecouped products costs between February and May 1976. The DOE concluded that the existence of these negative banks indicated that the firm had been able to pass through all alleged overcharges in the months prior to those in which it has negative banks. Using a three-step methodology, the DOE determined that Coastal should receive 100 percent of its allocable share, for months after its banks became positive. Accordingly, Coastal was granted a refund of $30,300 plus $14,710 in accrued interest from the TOGCO escrow amount, and a refund of $7,450 plus $3,490 in accrued interest from the HNG escrow account.

Tiger Oil Company/Wenas Feed & Supply, 12/2/85; RF196-0001

Wenas Feed & Supply (Wenas) filed an Application for Refund in which the firm sought a portion of the fund obtained by the DOE through a Consent Order entered into by the agency and Tiger Oil Company (Tiger). Tiger allegedly violated the DOE petroleum allocation regulations. In the Order implementing the Tiger refund procedures, the DOE identified four firms, including Wenas, that potentially suffered injury as a result of Tiger's alleged violations. The DOE stipulated that absent a showing of disproportionate injury by one of the four firms, each firm would be allocated an equal share of the $4,000 Tiger remitted to the DOE. Wenas did not attempt to demonstrate that it had suffered a disproportionate injury as a result of Tiger's alleged allocations violations. Accordingly, the DOE determined that Wenas should receive its full allocable share of $1,000. In addition, Wenas received $562 in interest.

Dismissal

The following submission was dismissed:

Name and Case No.

Baltimore County Public Schools—RF78-0007

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: December 24, 1985.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 85-31008 Filed 12-31-85; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of November 29 Through December 6, 1985

During the Week of November 29 through December 6, 1985, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

Dated: December 24, 1985.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Nov. 29 through Dec. 6, 1985]

Date	Name and location of applicant	Case No.	Type of submission
Dec. 1, 1985	Tommy Oil Co., Topeka, KS	KRZ-0011	Interlocutory. If granted: Tommy Oil Co.'s motion concerning the adequacy of the Proposed Remedial Order issued to the firm (Case No. HRO-0120) would be granted and the Proposed Remedial Order would be dismissed.
Dec. 2, 1985	W.F. Lawless, Augusta, GA	KFA-0005	Appeal of an information request denial. If granted: The October 18, 1985, Freedom of Information Request Denial issued by the Richland Operations Office would be rescinded and W.F. Lawless would receive information on high level waste management.
Dec. 3, 1985	OKC Corp., Washington, DC	KQF-0011	Implementation of second stage refund proceeding. If granted: The Office of Hearings and Appeals would implement second stage refund proceeding in the Consent Order entered into with OKC Corp. (Case No. BEF-0032).
Do	Trigon Exploration, Inc., Lafayette, LA	KRD-0110 & KRH-0110	Motion for discovery and motion for evidentiary hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted by Trigon Exploration, Inc., in response to the Proposed Remedial Order (Case No. KRO-0110) issued to Trigon Exploration, Inc.

REFUND APPLICATIONS RECEIVED

[Week of Nov. 29, 1985 to Dec. 6, 1985]

Date	Name of refund proceeding/name of refund applicant	Case No.
Dec. 1, 1985	Palo Pinto/Mississippi	RQ5-248
Dec. 2, 1985	Hendel's/Star Chevron Gas.	RF79-25
Do	Leese/Raymon L. Critser	RF211-6
Do	Gulf/East Gate Gulf	RF40-3079
Do	Gulf/Singer Fuel Co	RF40-3080
Dec. 27, 1985	Champlain/Janice B. Torrey Porter.	RF187-16
Dec. 2, 1985	Moyle/Bargain Barn	RF201-3
Do	Aminoil/Glades Gas Co	RF139-141
Dec. 5, 1985	Moyle/Restway Travel Park.	RF201-4
Do	L&L/Diamond M. Co	RF198-5
Dec. 4, 1985	Eastern/Dr. Anthony DiPaula.	RF215-1
Dec. 5, 1985	Eastern/Charles J. Phillips.	RF215-2

REFUND APPLICATIONS RECEIVED—Continued

[Week of Nov. 29, 1985 to Dec. 6, 1985]

Date	Name of refund proceeding/name of refund applicant	Case No.
Dec. 6, 1985	Gulf/Spartan V&H Oil Co	RF40-3081

[FR Doc. 85-31009 Filed 12-31-85; 8:45 am]

BILLING CODE 6450-01-M

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of Implementation of Special Refund Procedures and Solicitation of Comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding $308,448,000 obtained from Amoco Corporation, formerly Standard Oil Company (Indiana). This money is being held in escrow following the conclusion of Amoco's negotiations with the DOE regarding crude oil which Amoco produced from its "stripper well" properties and retained for processing in its own refineries.

DATE AND ADDRESS: Comments must be filed within 30 days of publication of this notice in the **Federal Register** and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585. All comments should conspicuously display a reference to case number HEF–0562.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252–2094.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issueance of the Proposed Decision and Order set out below. The Proposed Decision relates to negotiations between the Department of Energy (DOE) and Amoco Corporation which resulted in a settlement agreement concerning Amoco's violations of the regulations governing the sale price of crude oil produced from "stripper well" properties.

The Proposed Decision sets forth the procedures and standards that the DOE has tentatively formulated to distribute the contents of an escrow account funded by Amoco pursuant to its settlement agreement with the DOE. The DOE has tentatively established procedures under which no claims for direct restitution will be accepted, in accordance with the DOE's Statement of Restitutionary Policy, 50 FR 267400 (1985). The Amoco settlement funds would be held in escrow for disposition in accordance with departmental policies.

Any member of the public may submit written comments regarding the proposed refund procedures. Parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice in the **Federal Register,** and should be sent to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection between the hours of 1:00 to 5:00 p.m., Monday through Friday, except federal holidays, in the Public Docket Room of the Office of Hearings and Appeals, located in Room 1E–234, 1000 Independence Avenue, SW., Washington, DC 20585.

Dated: December 17, 1985.

George B. Breznay,

Director, Office of Hearings and Appeals.

December 17, 1985.

Proposed Decision and Order of the Department of Energy; Implementation of Special Refund Procedures

Name of Firm: Amoco Corporation.

Date of Filing: February 1, 1985.

Case Number: HEF–0562.

Under the procedural regulations of the Department of Energy, the Economic Regulatory Administration (ERA) may request the Office of Hearings and Appeals (OHA) to formulate a process for distributing funds received as a result of an enforcement proceeding in order to remedy the effects of alleged or actual violations of DOE regulations. 10 CFR Part 205, Subpart V. In accordance with these regulatory provisions, the ERA filed a Petition for the Implementation of Special Refund Procedures in connection with an agreement between the DOE and Amoco Corporation, formerly known as Standard Oil Company (Indiana).[1] The agreement relates to a 1980 consent order between the DOE and Amoco in which the two parties settled most disputed issues involving Amoco's compliance with the DOE regulatory program. Following this consent order, the Temporary Emergency Court of Appeals upheld the validity of the DOE's stripper well price regulations. *In re The Department of Energy Stripper Well Exemption Litigation,* 690 F.2d 1375 (Temp. Emer. Ct. App. 1982), *cert. denied,* 459 U.S. 1127 (1983). Accordingly, in 1985 Amoco remitted $208,448,000 to the DOE as restitution for overcharges on the stripper well crude oil which Amoco produced and retained for processing in its own refineries.

Those funds, plus $18,153,112.27 in interest accrued as of September 30, 1985, are being held in an interest-bearing escrow account under the jurisdiction of the DOE pending receipt of instructions from OHA regarding their final distribution.

I. Jurisdiction

The DOE procedural regulations set forth general guidelines by which the Office of Hearings and Appeals may formulate a plan for distributing funds received as a result of an enforcement proceeding. 10 CFR Part 205, Subpart V. The Subpart V process may be used in situations where the Department is unable to readily identify persons who were injured by regulatory violations or to ascertain readily the amount of the refund they are eligible to receive. 10 CFR 205.280. The ERA states that it has been unable to identify the parties who are entitled to receive restitution from the funds remitted pursuant to the Amoco settlement, and the Office of Hearings and Appeals will therefore accept jurisdiction over the funds at issue.

II. Background

A. Regulatory Background

Amoco, like other producers of crude oil, was subject to the Mandatory Petroleum Price Regulations set forth in 6 CFR Part 150 and 10 CFR Part 212. The DOE regulations, in effect from August 19, 1973 until January 27, 1981, governed prices charged in first sales of domestic crude oil by defining ceiling prices for various regulatory "tier" categories. During most of the price control period, the regulations also permitted producers to sell crude oil produced from "stripper well property" at exempt price levels. Producers and resellers of crude oil were generally required to certify in writing to each purchaser in the distribution chain the respective volumes of the various categories of price-controlled and exempt domestic crude oil included in each purchase. 10 CFR 212.131(a)(4); (b)(1). When they processed the crude oil refiners were required to report the amounts of crude oil in the various price control tier categories to DOE to enable the agency to administer the Entitlements Program.

Because the federal regulations governing the price of crude oil created a substantial price disparity between price-controlled and uncontrolled crude oil, those refiners and their downstream customers having greater access to price-controlled oil were in a favorable competitive position. Firms which had little or no access to price-controlled oil were forced to purchase uncontrolled or domestic or similarly expensive foreign crude oil. As a result, many firms with scant access to price-controlled domestic reserves experienced crude oil acquisition costs so high relative to the industry as a whole that those costs threatened their viability. The DOE established the Entitlements Program to remedy these imbalances. 39 FR 31650 (1974); 39 FR 39740 (1974). Under the

[1] The following have submitted comments to the ERA's Petition for the Implementation of Special Refund Procedures for the Amoco funds: the States of Alabama, Indiana, Michigan, Ohio, and California; the State of New Jersey; the States of Minnesota, Oregon, and Texas, and the Commonwealths of Virginia and Massachusetts; Philadelphia Electric Company, National Freight, Inc., RJG Cab Co., Inc., and Geraldine H. Sweeney. These comments as well as any others received after publication of this decision in the **Federal Register** will be addressed when OHA issues its Final Decision and Order.

Entitlements Program, refiners with above-average access to price-controlled oil made cash payments, through the purchase of entitlements, to refiners with below-average access to price-controlled oil. The program was intended generally to equalize access to the benefits of crude oil price controls among all domestic refiners and among all consumers of petroleum products. Because of the way the program worked, it also had the effect of dispersing overcharges resulting from crude oil miscertifications throughout the domestic refining industry. This aspect of the Entitlements Program is discussed at length in *Union Oil Co.* v. *DOE*, 688 F.2d 797 (Temp. Emer. Ct. App. 1982), *cert. denied*, 459 U.S. 1202 (1983) and the Report of the Office of Hearings and Appeals, *In re The Department of Energy Stripper Well Exemption Litigation*, MDL No. 378 (D. Kan., filed June 21, 1985); 13 DOE ¶ 90,507 (1985) (hereinafter cited as "OHA Stripper Well Report").

B. DOE Policy Regarding Crude Oil Overcharges

A recent DOE policy decision regarding the restitution for entitlements-period crude oil miscertifications has a direct bearing upon the disposition of the Amoco stripper well funds. In the spring of 1985, the OHA was actively considering whether refiners as a class were injured by crude oil overcharges in connection with the DOE Stripper Well Exemption Litigation, MDL No. 378 (D. Kan.). The District Court had previously referred that case to the OHA for fact-finding to determine who bore the impact of overcharges at issue and in what amounts. *In re The Department of Energy Stripper Well Exemption Litigation*, 578 F.Supp. 586 (D. Kan. 1983). On June 19, 1985, the OHA issued its report to the District Court in the Stripper Well Exemption Litigation. In its report, the OHA concluded that it is impossible to determine the specific inpact on an individual refiner of overcharges resulting from crude oil miscertifications that were spread by the Entitlements Program. The OHA Stripper Well Report also found that it was impossible to trace specific crude oil overcharges through an individual refiner's marketing system to the ultimate consumer. Nevertheless, using econometric modeling, the OHA concluded that refiners as a class absorbed a certain percentage of the monetary value of the stripper well overcharges dispersed by the Entitlements Program.

The findings in the OHA Stripper Well Report formed the basis for DOE to establish a restitutionary policy regarding crude oil overcharges. On June 21, 1985, the DOE issued a Statement of Restitutionary Policy with respect to crude oil overcharges that were spread through the Entitlements Program. 50 FR 27400 (1985). The statement concluded that since the OHA Stripper Well Report found that direct restitution based on individual proof of harm was shown to be impossible, a claims process was inappropriate and some indirect means of effectuating restitution must be used. The policy statement accordingly announced that the Department would maintain these overcharge funds in escrow to afford the Congress the opportunity to select the means of making indirect restitution. Should the Congress decline to act on the issue by the fall of 1986, the DOE stated that the funds should be paid to the miscellaneous receipts account of the United States Treasury in order to benefit all Americans.[2]

To implement these DOE policy determinations, the OHA issued an order on June 21, 1985 announcing that it would apply the policy outlined above in special refund proceedings involving overcharge funds attributable to entitlements-period crude oil miscertification violations. 50 FR 27402 (1985). The order stated:

> The decision to place the overcharge funds in escrow pending Congressional action is now DOE policy. In the Stripper Well Exemption proceeding, of course, this office was acting solely as a finder of fact under the orders of the Kansas court, and the companion DOE policy statement is a recommendation to that court. However, as to the other overcharge funds representing entitlements-period crude oil miscertification violations being administered under the authority of 10 CFR Part 205, Subpart V, this office will apply that policy to refund proceedings involving those funds.

Id. at 27403. Persons affected by the June 21 order were provided an opportunity to file objections or comments within 30 days of publication of the order in the Federal Register.

III. Proposed Procedures

In view of the Departmental policy on restitution of entitlements-period crude oil miscertification violations, we now propose that no claims be allowed with respect to the Amoco stripper well overcharges, and that be held in escrow for disposition in accordance with departmental policies. See 50 FR 27402 (1985); 50 FR 27400 (1985); 50 FR 1919 (1985).[3]

It Is Therefore Ordered That:

The refund amount received from Amoco Corporation on February 1, 1985 shall be distributed in the manner set forth in the foregoing Decision.

[FR Doc. 85-31010 Filed 12-31-85; 8:45 am]

BILLING CODE 6450-01-M

[2] The Department's Statement of Restitutionary Policy was also filed with the United States District Court for the District of Kansas as the Department's recommended plan for making restitution of the stripper well overcharges at issue in that case.

[3] The procedures proposed here differ from those procedures established in earlier Subpart V crude oil refund decisions. *See* Office of Enforcement, 9 DOE ¶ 82,521 (1982) (Alkek); Office of Enforcement, 9 DOE ¶ 82,553 (1982) (Adams); A. Johnson & Co., Inc., 12 DOE ¶ 85,102 (1984) (Johnson). The OHA received a total of 74 refund applications from Entitlements Program participants in these proceedings involving alleged crude oil certification violations. OHA suspended the evaluation of the Alkek, Adams, and Johnson claims while we considered the evidence introduced in the Stripper Well case and while the DOE determined the nature of its restitutionary policy in this area.

ENVIRONMENTAL PROTECTION AGENCY

[A-4-FRL-2947-9]

Partial Delegation of Authority; for the PSD Program to the State of Florida

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given that the State of Florida has been delegated partial authority for the federal PSD program to perform the technical and administrative portions of the PSD permitting process. This partial authority extends only to those sources subject to the Florida Electrical Power Plant Siting Act (PPSA) and the PSD regulations. It should be noted that Florida's PSD SIP regulations continue to be the applicable regulations for all PSD reviews with the exception of power plants subject to the PPSA.

EFFECTIVE DATE: Partial delegation is effective as of November 5, 1985.

ADDRESSES: Copies of the requests for the delegation of authority and EPA's letter of delegation are available for public inspection at EPA's Region IV office, 345 Courtland Street, NE., Atlanta, Georgia, 30365.

FOR FURTHER INFORMATION CONTACT: Michael Brandon at (404) 881-4901.

SUPPLEMENTARY INFORMATION: On September 16, 1985, EPA notified the Florida Department of Environmental Regulation (DER) that the Florida Electrical Power Plant Siting Act (PPSA)

was in conflict with the Florida State Implementation Plan for the PSD program.

The PPSA precludes the issuance of a federally enforceable PSD permit as it constitutes the sole license of the State as to the approval of the site, the construction, and operation of electrical power plants subject to the PPSA. On October 9, 1985, the DER requested delegation of the technical and administrative portions of the PSD program for all sources subject to the PPSA and PSD regulations. Under this partial delegation, EPA retains the permit issuing authority. On November 5, 1985, EPA delegated the requested partial authority to implement the federal PSD program under 40 CFR 52.21(b)–(w) subject to the following conditions:

1. In accomplishing the delegated PSD technical and administrative review, the State of Florida will apply all applicable federal air permitting rules and follow the applicable federal permit processing procedures. If at any time it is determined that the State rules or statutes prohibit the Department from applying any such standard or procedure, the pertinent portion of the delegation may be revoked.

2. If the Regional Administrator determines that the State procedure for implementing the technical and administrative portions of PSD, in regard to power generating sources subject to the PPSA, is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Florida Department of Environmental Regulation.

3. Acceptance of this delegation of presently promulgated PSD regulations (40 CFR 52.21, as amended August 7, 1980) does not commit the State of Florida to accept responsibility for new federal standards or requirements promulgated after the effective date of this delegation.

4. Public availability of information shall be in accordance with 40 CFR 52.21(q).

5. EPA shall overview the conduct of the technical and administrative portions of the PSD program through an overview program consistent with that presently being implemented for selected PSD sources in Region IV.

Under this delegation, the DER will perform the preliminary and final PSD determination for each plant which has received or will receive a PPSA certification, including municipal incinerators in Hillsborough County, Pinellas County, Broward County, and Palm Beach County. EPA will then, upon review and approval of the determinations, issue federal PSD permits for these sources.

Dated: December 18, 1985.

John A. Little,

Deputy Regional Administrator.

[FR Doc. 85–30990 Filed 12–31–85; 8:45 am]

BILLING CODE 6560–50–M

[A–4–FRL–2947–8]

PSD Permit Modification for Tampa Electric Co., Big Bend Unit 4, Ruskin, FL

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given that a Prevention of Significant Deterioration (PSD) permit modification has been granted to the Tampa Electric Company (TECO) for their Big Bend Unit 4 near Ruskin, Florida. This action increases the permitted emissions of the Unit 4 coal-fired boiler from 0.014 lbs/MMBTU to 0.029 lbs/MMBTU.

DATES: This action is effective upon the receipt of the letter granting the modification by TECO on or after October 9, 1985 (mailing date).

ADDRESSES: Copies of the PSD permit, permit application, preliminary and final determinations and TECO's request for the modification are available for public inspection upon request at the following locations:

Environmental Protection Agency, Region IV, Air Programs Branch, Air, Pesticides & Toxics Management Division, 345 Courtland Street, NE., Atlanta, Georgia 30365;

Bureau of Air Quality Management, Florida Department of Environmental Regulation, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32301.

FOR FURTHER INFORMATION CONTACT: Michael Brandon of the EPA Region IV, Air Programs Branch at the Atlanta address given above, telephone 404/881—4901 or FTS 257–4901.

SUPPLEMENTARY INFORMATION: On October 15, 1981, EPA issued a PSD construction permit to TECO for the construction of a coal-fired utility boiler (Big Bend Unit 4) near Ruskin, Florida. In the determinations for the permit to construct, a conservative, yet erroneous emission factor for carbon monoxide was provided by TECO which EPA relied upon in issuing the final permit for this source. By letter dated January 30, 1985, TECO informed the Florida Department of Environmental Regulation (DER) that an error had been identified in the PSD application for the emissions estimate for carbon monoxide. Subsequently, the Florida DER recommended to EPA that the federal PSD permit be modified to correct the carbon monoxide emissions limit in the permit from 0.014 lb/MMBTU (61 lbs/hr) to 0.029 lb/MMBTU (124 lbs/hr). On March 12, 1985, EPA responded to the DER recommendation by requesting that a public notice be published prior to modifying the federal PSD permit. The public notice was published in the Tampa Tribune on April 20, 1985, and the comment period expired thirty days later on May 20, 1985. No comments were received regarding the proposed permit modifications.

EPA has, in conjunction with the DER, determined that the proposed increase in carbon monoxide emissions will not affect the ambient air quality analysis, or the Best Available Control Technology (BACT) determination made during the initial review of the proposed coal-fired utility. EPA hereby modifies Table 1-Allowable Emission Limits of the federal PSD construction permit PSD–FL–040 as follows:

FACILITY		POLLUTANT – CO			
		lb/MMBTU	lb/hr	lb/MMBTU	lb/hr
Unit 4 Boiler (4330 MMBTU/hr) Continuous Limit	FROM:	0.014	61	TO: 0.029	124

This modification becomes a binding part of federal PSD permit PSD–FL–040 issued by the Environmental Protection Agency on October 15, 1981. This does not alter other conditions of this permit as stipulated in General Condition 10 of the permit in regard to severability of conditions.

(Secs. 160–169 of the Clean Air Act (42 U.S.C. 7470–7470))

Dated: December 19, 1985.

John A. Little,

Deputy Regional Administrator.

[FR Doc. 85–29893 Filed 12–31–85; 8:45 am]

BILLING CODE 6560–50–M

[OPP-180685; FRL-2947-6]

North Dakota Department of Agriculture; Receipt of Application for Emergency Exemption To Use Assert™ Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a request for an emergency exemption from the North Dakota Department of Agriculture (hereafter referred to as the "Applicant") to use the active ingredients 6-(4-isopropyl-4-methyl-5-oxo-imidazolin-2-yl) methy ester and 2-(4-isopropyl-4-methyl-5-oxo-2-imidazoline-2-yl) methyl ester to control wild mustard on 300,000 acres of sunflowers in North Dakota. It is the Agency's policy to solicit comment on applications involving active ingredients which have not been previously registered. Accordingly, EPA is soliciting comment before making the decision whether or not to grant the exemption.

DATE: Comments must be received on or before January 17, 1986.

ADDRESS: Three copies of written comments, bearing the identification notation "OPP-180685" should be submitted by mail to:

Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, bring comments to: Rm. 236, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information (CBI)." Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for inspection in Rm,. 236 at the address given above from 8 a.m. to 4 p.m., Monday through Friday excluding legal holidays.

FOR FURTHER INFORMATION CONTACT:

By mail: Libby Pemberton, Registration Division (TS-767C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 716A, Crystal Mall 2, 1921 Jefferson Davis Highway, Arlington, VA. (703-557-1806).

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at his discretion, exempt a State agency from any provisions of FIFRA if he determines that emergency conditions exist which require such exemption.

The Applicant has requested the Administrator to issue a specific exemption to permit the use of an unregistered herbicide, a mixture of 6-(4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl) methyl ester and 2-(4-isopropyl-4-methyl-5-oxo-2-imidazoline-2-yl) methyl ester on sunflowers in North Dakota. Information in accordance with 40 CFR Part 166 was submitted as part of this request.

The applicant indicates that 1.9 million acres of sunflowers are grown throughout North Dakota. There are 500,000 acres economically infested with mild mustard (*Sinapis arvensis* L.); and the Applicant is proposing to treat 300,000 acres throughout the state. The applicant states that most herbicides currently registered for use in sunflowers control annual grasses and some broadleaved weeds but provide little or no wild mustard control. According to the Applicant, chloramben is registered for wild mustard control in sunflowers, but gives inconsistent control. The Applicant states that, wild mustard, when uncontrolled, competes vigorously and moderate to heavy infestations can cause severe yield losses.

According to the Applicant, wild mustard infestations apparently increase each time sunflowers are planted and wild mustard is not controlled. The infestations eventually become so severe that the yield loss due to wild mustard competition is so great that the field is diverted to another crop.

The Applicant indicates that without adequate control of wild mustard North Dakota sunflower growers could loose $7.9 million. In addition, further reductions in production could lead to the permanent closing of three sunflower processing plants in North Dakota, which in turn would lead to further adverse socio-economic impacts.

The Applicant proposes to treat 300,000 acres of sunflowers with Assert™, manufactured by American Cyanamid, which contains the active ingredients 6-(4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl) methyl ester and 2-(4-methyl-5-oxo-2-imidazoline-2-yl) methyl ester. A single postemergence application will be made by ground or air at a maximum rate of 0.8 pints product (4 oz. a.i.) per acre. The Applicant has requested a specific exemption to allow applications of Assert™ to this year's crop. Applications, if approved, will be made from May 15 through July 31.

This notice does not constitute a decision by EPA on the application itself. Use of a chemical under section 18 of FIFRA for which no uses are registered has been determined to be of national interest and therefore, the Agency has decided that public notice and opportunity for public comment pursuant to 40 CFR 166.10 is called for as a part of the informal adjudication for specific exemptions. Accordingly, interested persons may submit written views on this subject to the Program Management and Support Division at the address above. The comments must be received on or before January 17, 1986, and should bear the identifying notation "OPP-180685." All written comments filed pursuant to this notice will be available for public inspection in Rm. 236, Crystal Mall No. 2, at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays. The Agency, accordingly, will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by the North Dakota Department of Agriculture.

Dated: December 23, 1985.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 85-30107 Filed 12-31-85; 8:45 am]

BILLING CODE 6560-50-M

[OPP-30000/27; FRL-2946-4]

Pesticide Products Containing 2,4,5-Trichlorophenol (2,4,5-TCP); Intent To Cancel Registrations and Notice of Transmittal and Availability of Draft Notice to Cancel

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability of Draft Notice of Intent to Cancel; Notice of Transmittal.

SUMMARY: This notice announces the availability for comment of a draft notice of intent to cancel the registrations of pesticide products containing 2,4,5-Trichlorophenol (2,4,5-TCP) pursuant to section 6(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Pesticide products containing 2,4,5-TCP are

contaminated with the toxic dioxin 2,3,7,8-Tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD). These products have the potential to cause oncogenic, teratogenic, fetotoxic, and other adverse effects. The benefifs of continued use of these products are limited and all currently existing registrations for 2,4,5-TCP have been suspended pursuant to section 3(c)(2)(B) of FIFRA. The Agency is proposing to cancel these remaining suspended registrations. Copies of the draft notice of intent to cancel have been sent to EPA's Scientific Advisory Panel and the U.S. Department of Agriculture for comment. Comments are invited from all other interested persons.

DATE: Comments from the public on the draft notice must be received on or before March 3, 1986.

ADDRESSES: Requests for copies of the draft intent to cancel should be submitted to: Paul Parsons, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 711, CM2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7420).

By mail, submit written comments to: Program Management and Support Division (TS–757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW. Washington, DC 20460.

In person, deliver comments to: Rm. 236, CM2, 1921 Jefferson Davis Highway, Arlington, VA.

Written comments must be identified by the document control number [OOP–30000/27]. If a commenter believes any part of its submission is entitled to protection as confidential business information (CBI), the commenter must make a claim of confidentiality with its submission in accordance with procedures set forth in 40 CFR 154.10(c) and provide a copy of the comments with the CBI deleted. All written comments filed in response to this notice will be available for public inspection in the Program Management and Support Division office at the address above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays. If the comments contain properly claimed CBI, only the redacted comments will be included in the public docket.

FOR FURTHER INFORMATION CONTACT: Paul Parsons (703–557–7420).

SUPPLEMENTARY INFORMATION: To be legally sold and distributed in the United States, a pesticide product must be registered or exempt from registration pursuant to FIFRA. A pesticide product may remain registered only if it does not pose unreasonable adverse effects on the environment, that is, if it does not present any unreasonable risk to man and the environment, taking into account the economic, social, and environmental costs and benefits of the use of the pesticide. FIFRA sections 2(bb) & 6(b). If the Agency determines that a product no longer satisfies this requirement for registration, the Administrator may initiate process for cancelling its registration by issuing a notice of intent to cancel pursuant to section 6(b) of FIFRA. Sections 6(b) and 25(d) of FIFRA require that the Environmental Protection Agency submit any proposed notice of intent to cancel pesticide registrations to the Secretary of Agriculture and to the Scientific Advisory Panel (SAP) at least 60 days prior to issuing a notice of intent to cancel. Accordingly, copies of a draft notice of intent to cancel pesticide products containing 2,4,5-TCP have been sent to the Secretary and the SAP for comment.

The Special Review (RPAR) of 2,4,5-TCP was started by the publication of a notice in the **Federal Register** on September 15, 1978. 42 FR 41268. The Special Review was started because the Agency determined that continued use of 2,4,5-TCP posed a risk of oncogenic effects as well as fetotoxic and teratogenic effects, and that it satisfied the criteria for commencing a Special Review set forth at 40 CFR 162.11(a)(3)(ii). These concerns are largely attributable to 2,4,5-TCP's dioxin contaminant, 2,3,7,8-TCDD. Based on the information submitted and developed by the Agency in the course of the Special Review, as well as other information developed since 1978, EPA has concluded that products containing 2,4,5-TCP and its contaminant 2,3,7,8-TCDD continue to pose oncogenic, fetotoxic and teratogenic effects.

To better characterize the risk attributable to continued use of 2,4,5-TCP, the Agency required registrants to submit, pursuant to section 3(c)(2)(B) of FIFRA, data necessary to characterize the registered products and their contaminants. The same data call-in letter also required teratogenicity testing in two species. Many registrants chose to voluntarily cancel their 2,4,5-TCP registrations rather than submit or commit to produce the required data. None of the remaining registrants have agreed to produce the data, and their registrations have now been suspended pursuant to section 3(c)(2)(B). Thus, there is now no registered pesticide product containing 2,4,5-TCP which the registrants may legally sell or distribute in the United States.

EPA is now proposing to cancel the registrations of 2,4,5-TCP products which have been suspended. These products include those registered for use to control the growth of microorganisms in cooling tower water, oil field production systems, leather tanneries, commerical adhesives, rayon emulsions, rubber auto gaskets, and metal cutting fluid and foundry core washes. All use of 2,4,5-TCP for these purposes have ceased or is now insignificant. Moreover, the remaining registrants and potential users have elected not to comply with the requirements which would permit their products to be marketed again. Accordingly, the Agency concludes there are not significant benefits from continuing the registrations of 2,4,5-TCP.

Based on the potential oncogenic, fetotoxic, and teratogenic risks of products containing 2,4,5-TCP and the limited, if not non-existent, benefits of continued registration of these products, EPA has concluded that the continued registration of pesticide products containing 2,4,5-TCP pose unreasonable adverse effects on the environment, including man. Because the risks associated with pesticide products containing 2,4,5-TCP are attributable to the presence of an unavoidable dioxin contaminant, 2,3,7,8-TCDD, the Agency has been unable to propose any regulatory action to avoid cancellation of the registrations of these products. Therefore, EPA is proposing to cancel the registrations of all pesticide products containing the active ingredient, 2,4,5-TCP.

Copies of the proposed notice of intent to cancel are available upon request. Although not required to do so by FIFRA, the Agency invites comments from the public on the proposal. Such comments must be submitted by March 3, 1986. The Agency does not anticipate granting any extensions of time to submit comments.

A limited number of comments were submitted in response to the notice of special review. Most of the information in these comments is now outdated. Therefore, the Agency has chosen not to formally respond to these comments at this time. The Agency, however, will respond to any significant comments submitted in response to the proposed intent to cancel when it issues a final determination. Commenters are invited to reiterate any comments which were previously submitted to the extent the commenters believe their 1978 comments are still relevant. In addition,

all interested persons are invited to submit any additional comments.

Dated: December 23, 1985.

Victor J. Kimm,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 85-30803 Filed 12-31-85; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1559]

Petitions for Reconsideration of Actions in Rulemaking Proceedings

December 23, 1985.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to § 1.429(e). Oppositions to such petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the **Federal Register.** Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: The Prescription of Revised Depreciation Rates, pursuant to section 220(b) of the Communications Act of 1934, as amended, for: the AT&T Communications State Interexchange Carriers. See FCC 85-568, released October 23, 1985.

Filed by: Francine J. Berry, W. Preston Granberry & Robert D. Lake, Attorneys for American Telephone and Telegraph Company on 11-22-85.

Subject: The Prescription of Revised Depreciation Rates, pursuant to Section 220(b) of the Communications Act of 1934, as amended, for: the AT&T Communications-Interstate Division. See FCC 85-342, released July 9, 1985.

Filed by: Judith A. Maynes, W. Preston Granberry, & B. Ward White, Attorneys for American Telephone and Telegraph Company on 8-8-85.

Subject: Amendment of § 73.504(a) Table of Allotments, Noncommercial Educational FM Broadcast Stations. (Palm Desert, California) (MM Docket No. 84-787)

Filed by: Lauren A. Colby, Attorney for Prairie Avenue Gospel Center on 11-26-85.

Subject: Amendment of Part 90 of the Commission's Rules to Implement the 1900-2000 kHz Frequency Band in the Radiolocation Service. (PR Docket No., 84-847)

Filed by: Peter Tannenwald, Attorney for Racal Survey, Inc., on 12-5 -85.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 85-31000 Filed 12-31-85; 8:45 am]

BILLING CODE 6712-01-M

Sandpiper Communications, Inc., et al; Hearing Designation Order

In re Applications of MM DOCKET NO. 85-368:

	File No.
Sandpiper Communications, Inc. Seaside Park, NJ, Req: 1550 kHz, 1 kW, DA-2, U.	BP-840706AC
Jersey Shore Broadcasting Corp., South Toms River, NJ. Req: 1550 kHz, 1 kW, 2.5 kW-LS, DA-2, U.	BP-841026AF

Adopted: November 29, 1985.
Released: December 23, 1985.
By the Chief, Audio Services Division.

1. The Commission has under consideration the above-captioned mutually exclusive applications of Sandpiper Communications, Inc. (Sandpiper) and Jersey Shore Broadcasting Corporation (Jersey Shore). Also before the Commission is a petition to deny Sandpiper's application, filed by Seashore Broadcasting Corporation (Seashore), licensee of station WOBM-FM, Toms River, New Jersey.[1]

2. Seashore asserts that because Sandpiper's proposed tower site is adjacent to station WOO, an AT&T Coastal Station, there is a potential for interference to various communications systems. We will follow our practice under circumstances such as this, and impose a blanketing condition upon any grant Sandpiper.

3. Seashore secondly argues in its petition that the marshy nature and briny soil of Sandpiper's proposed site will contribute to the rapid deterioration of the ground system and make it difficult to maintain the system in a stable fashion. To minimize this possibility, an appropriate condition will be specified.

4. Seashore lastly contends that Sandpiper's application should be denied because it proposes to locate the tower site within an area protected by the New Jersey Wetlands Act and zoned for residential use. Seashore also asserts that Sandpiper's environmental narrative statement, required under § 1.1305 of the Commission's Rules, is substantially incomplete.

5. In response to Seashore's petition, Sandpiper has submitted letters from the New Jersey Department of Environmental protection and from the Berkeley Township Zoning Office. The state's letter advises that although a permit would be required, there is no legislative bar to Sandpiper's proposed tower construction, and similar permits have been granted in the past. The state officer who authored the letter concludes that grant of a permit is possible in the instant situation if certain policy considerations are met by Sandpiper. In the letter from the township, a zoning officer opines that the low and wet characteristics of the site make it best suited for Sandpiper's proposed use, although a zoning variance would be necessary. An applicant is required to provide reasonable assurance of the availability of its site, and the letters submitted by Sandpiper constitute such reasonable assurance. Accordingly, Seashore's petition to deny is denied.

6. As originally filed, Sandpiper's environmental narrative statement was incomplete in that it neglected to mention the zoning of, and access roads to, the site. Subsequent pleadings filed by Sandpiper provided this information, thus curing any defects in the original statement. However, Sandpiper should amend its application so that the original environmental narrative statement includes all the information contained in subsequent pleadings and required by § 1.1305 of the Commission's Rules.

7. Both Sandpiper and Jersey Shore have requested a waiver of § 73.37(a) of the Commission's Rules, to permit a small amount of overlap with the existing 0.5 mV/m contour of Station WQXR, New York, New York. This overlap is *de minimus*, consisting of an isolated spike along the coastline due to a saltwater path, and is far removed from WQXR's normal service area. In view of the unique circumstances involved, we find that the overlap which would occur would not prejudice the basic policy considerations underlying the provisions of § 73.37(a) of the Rules. Accordingly a waiver has been granted to both applicants to permit acceptance of their proposals.

8. Section V-A, paragraph 8 of the application form (FCC Form 301) requires all applicants to file a sufficient number of photographs to permit an identification of all structures in the vicinity of the antenna site. The applications filed by Sandpiper and by

[1] In addition to the issues considered here, Seashore's pleading questioned the acceptability of both proposals. Interstate Broadcasting Company, Inc., filed a petition to dismiss the Sandpiper proposal as well. By letters of May 31, 1985, we denied the former pleading insofar as it alleged patent defects and the latter in total.

Jersey Shore do not contain the required site photographs. In addition, the proposed standard radiation patterns do not meet the requirements of § 73.150 of the Rules. The specified theoretical RMS of the proposed standard radiation patterns result in less than a 1 ohm loss resistance per tower. These applicants must, therefore, file appropriate amendments with the presiding Administrative Law Judge within thirty days of the release of this Order.

9. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for a hearing in a consolidated proceeding. As the proposals are for different communities, we will specify an issue to determine pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service. We will also specify a contingent comparative issue, should such an evaluation of the proposals prove warranted.

10. Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine (a) the areas and populations which would receive primary aural service from the proposals and the availability of other primary service to such areas and populations; and (b) in light thereof, and pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

2. To determine in the event it is concluded that a choice between the applicants should not be based solely on considerations relating to section 307(b), which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

11. It is further ordered, That the petition to deny filed by Seashore Broadcasting Corporation Inc. is denied.

12. It is further ordered, That Sandpiper Communications, Inc. amend its environmental narrative statement in accordance with paragraph 6 above, and submit this amendment to the presiding Administrative Law Judge within thirty (30) days of the release of this Order.

13. It is further ordered, That in the event the application of Sandpiper Communications, Inc. is granted, the construction permit shall contain the following condition: The licensee is required to satisfy all reasonable complaints of blanketing interference within the 1 V/m contour.

14. It is further ordered, That in the event the application of Sandpiper Communications, Inc. is granted, the construction permit shall contain the following condition: No program test authority or license will be issued until the permittee demonstrates to the Commission's satisfaction that the array is properly adjusted and maintained.

15. It is further ordered, That § 73.37(a) of the Commission's Rules is WAIVED on behalf of Sandpiper Communications, Inc. and Jersey Shore Broadcasting Corporation.

16. It is further ordered, That Sandpiper Communications, Inc. and Jersey Shore Broadcasting Corporation file the amendments to their technical showings as required by paragraph 8 above with the presiding Administrative Law Judge within thirty (30) days of the release of this Order.

17. It is further ordered, That in addition to the copy served on the Chief, Hearing Branch, a copy of each amendment filed in this proceeding subsequent to the date of adoption of this Order shall be served on the Chief, Data Management Staff, Audio Services Division, Mass Media Bureau, Room 350, 1919 M Street, NW., Washington, DC 20554.

18. 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 appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

19. 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, given notice of 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 § 73.359(g) of the Rules.

Federal Communications Commission.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 85-31001 Filed 12-31-85; 8:45 am]

BILLING CODE 6712-01-M

[Report No. W-5]

Window Notice for the Filing of FM Broadcast Applications

Released: December 20, 1985.

Notice is hereby given that applications for vacant FM broadcast allotment(s) listed on the attached appendix may be submitted for filing during the period beginning January 2, 1986 and ending February 3, 1986 inclusive. Selection of a permitted from a group of acceptable applicants will be by the Comparative Hearing process.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Channel—273A	
Nicholasville	KY
Channel—274A	
George	CA
Gretna	FL
Cuthbert	GA
Milledgeville	GA
Coal City	IL
Mexico	ME
Banner Elk	NC
Utica	NY
Charleston	SC
Mission	SD
Bowie	TX
Palacios	TX
Christiansburg	VA

[FR Doc. 85-31003 Filed 12-31-85; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

Brownfield Savings and Loan Association, Brownfield, TX; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B)(i)(I) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole receiver for Brownfield Savings and Loan Association, Brownfield, Texas, on December 19, 1985.

Dated: December 26, 1985.

Jeff Sconyers,

Secretary.

[FR Doc. 85-31034 Filed 12-31-85; 8:45 am]

BILLING CODE 6720-01-M

State Savings and Loan Association of Lubbock, Lubbock, TX; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B)(i)(I) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole receiver for State Savings and Loan Association of Lubbock, Lubbock, Texas, on December 19, 1985.

Dated: December 26, 1985.

Jeff Sconyers,

Secretary.

[FR Doc. 85-31035 Filed 12-31-85; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act, 1984 (46 U.S.C. app. 1718 and 46 CFR Part 510).

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 Tariffs, Federal Maritime Commission, Washington, DC 20573.

Masae Cole dba Cole Forwarding, 408 So. Spring Street, Los Angeles, CA 90013;

John A. Steer, Inc., 28 South Second Street, Philadelphia, PA 19106, Officers: John M. Poole, President, Thomas A. Nickel, Vice President, Domonic A. Covello, Vice President;

Gada Navigation U.S.A., Inc., 600 Bayview Avenue, Inwood, NY 11696, Officer: Roy G. Nester, President;

Benjamin Guerrero, 10912 Ceres Avenue, Whittier, CA 90604;

B. P. Mata & Co. (U.S.A.) Inc., 1411 West 15th Street, Long Beach, CA 90813, Officers: Benjamin P. Mata, President, Librada A. Mata, Executive Vice President, Armando P. Mata, Vice President, Anicia M. Kagahastian, Treasurer;

A & D Forwarding, Inc., 2404 West 14th Street, Tempe, AZ 85261, Officers: Donald White, President, Wayland C. Bartram, Vice President, Daniel Rogers, Treasurer.

Dated: December 27, 1985.

By the Federal Maritime Commission.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 85-31012 Filed 12-31-85; 8:45 am]

BILLING CODE 6730-01-M

Ocean Freight Forwarder License; Revocations

Notice is hereby given that the following ocean freight forwarder licenses have been revoked by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of ocean freight forwarders, 46 CFR Part 510.

License Number: 2141
Name: Inter Traders Cargo Agency, Inc.
Address: c/o 7254 NW 34th St., Miami, FL 33122
Date Revoked: December 13, 1985
Reason: Failed to maintain a valid surety bond

License Number: 2393
Name: Tulair International Corp., dba Tulsea
Address: 147-20 181th St., Jamaica, NY 11413
Date Revoked: December 15, 1985
Reason: Failed to maintain a valid surety bond

License Number: 536
Name: P. John Hanrahan, Inc.
Address: 225 Broadway, Suite 304, New York, NY 10007
Date Revoked: December 16, 1985
Reason: Surrendered license voluntarily

License Number: 86
Name: John A. Merritt & Company
Address: P.O. Box 590, Pensacola, FL 32593
Date Revoked: December 23, 1985
Reason: Surrendered license voluntarily

Eugene P. Stakem,

Deputy Director, Bureau of Tariffs.

[FR Doc. 85-31011 Filed 12-31-85; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

December 26, 1985.

Background

Notice is hereby given of the submission of proposed information collection(s) to the Office of Management and Budget (OMB) for its review and approval under the Paperwork Reduction Act (Title 44 U.S.C. Chapter 35) and under OMB regulations on Controlling Paperwork Burdens on the Public (5 CFR Part 1320). A copy of the proposed information collection(s) and supporting documents is available from the agency clearance officer listed in the notice. Any comments on the proposal should be sent to the OMB desk officer listed in the notice. OMB's usual practice is not to take any action on a proposed information collection until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Cynthia Glassman—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202-452-3822)

OMB Desk Officer—Robert Neal—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503, (202-395-6880)

Request for OMB Approval To Extend With Prevision

1. Report title: Quarterly Country Exposure Report
Agency form number: FFIEC 009
OMB Docket number: 7100-0035
Frequency: Quarterly
Reporters: U.S. banks and bank holding companies
Small businesses are not affected
General description of report: This information collection is mandatory (12 U.S.C. 248(a) and 1844(c)); and is given confidential treatment (5 U.S.C. 552(b)(4) and (b)(8)).

This report collects information on international claims of U.S. banks and bank holding companies which is used for supervisory and analytical purposes. The information is used to analyze country exposure of banks in order to determine the degree of risk in their portfolios and the possible impact on U.S banks of adverse developments in particular countries.

Board of Governors of the Federal Reserve System, December 26, 1985.

William W. Wiles,

Secretary of the Board.

[FR Doc. 85-30956 Filed 12-31-85; 8:45 am]

BILLING CODE 6210-01-M

The Bank of New York Co., Inc.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing 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.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 20, 1986.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *The Bank of New York Company, Inc.*, New York, New York; to acquire Fidata Trust Company California, Los Angeles, California, and engage in performing functions and activities that may be performed by a trust company, including activities of a fiduciary, agency and custodial nature, pursuant to § 225.25(b)(3) of Regulation Y.

Board of Governors of the Federal Reserve System, December 26, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-30958 Filed 12-31-85; 8:45 am]

BILLING CODE 6210-01-M

Belle Glade Bank Corp., et al.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. 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 is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. 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.

Unless otherwise noted, comments regarding each of these applications must be received not later than January 22, 1986.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Belle Glade Bank Corporation*, Belle Glade, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Belle Glade, Belle Glade, Florida.

B. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Lake Shore Bancorp, Inc.*, Chicago, Illinois; to acquire 100 percent of the voting shares of Bank of Hinsdale, Hinsdale, Illinois.

C. Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Gideon Bancshares Company*, Dexter, Missouri; to become a bank holding company by acquiring 80 percent of the voting shares of Commercial Bank of Gideon, Gideon, Missouri.

2. *Mercantile Bancshares, Inc.*, Jonesboro, Arkansas; to become a bank holding company by acquiring 100 percent of the voting shares of Mercantile Bank, Jonesboro, Arkansas.

D. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Bankers Bancorp of Oklahoma, Inc.*, Oklahoma City, Oklahoma; to become a bank holding company by acquiring at least 80 percent of the voting shares of The Bankers Bank, Oklahoma City, Oklahoma, a propsoed *de novo* bankers' bank.

E. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Allied Bancshares, Inc.*, Houston, Texas; to acquire 100 percent of the voting shares of Allied Bank Northwest, N.A., San Antonio, Texas, a *de novo* bank.

Board of Governors of the Federal Reserve System, December 26, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-30957 Filed 12-31-85 8:45 am]

BILLING CODE 6210-01-M

First Union Corp.; Formation of, Acquisition by, or Merger of Bank Holding Companies and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for

processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing 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.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 20, 1986.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President), 701 East Byrd Street, Richmond, Virginia 23261:

1. *First Union Corporation,* Charlotte, North Carolina; to acquire 100 percent of the voting shares of Southern Bancorporation, Inc., Greenville, South Carolina, thereby indirectly acquiring Southern Bank and Trust Company, Greenville, South Carolina.

Applicant has also applied to acquire World Acceptance Corporation, Greenville, South Carolina, and thereby engage in making direct personal cash loans as a consumer finance company and the sale of credit related insurance in connection with such loans, pursuant to § 225.25(b)(1) and § 225.25(b)(8)(i) of Regulation Y.

Board of Governors of the Federal Reserve System, December 26, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-30960 Filed 12-31-85; 8:45 am]

BILLING CODE 6210-01-M

Hartford National Corp.; Formation of, Acquisition by, or Merger of Bank Holding Companies and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking actitity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing 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 effeciency, 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.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 22, 1986.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Hartford National Corporation,* Hartford, Connecticut; to acquire 100 percent of the voting shares of The Provident Institution for Savings in the Town of Boston, Boston, Massachusetts.

Applicant has also applied to acquire Bay State Improvement Corporation, Boston, Massachusetts ("Bay State") and Provident Financial Services, Inc., West Newton, Massachusetts ("PFSI"). Bay State will engage in making, acquiring or selling loans or other extensions of credit to corporations, partnerships or other ventures under, pursuant to § 225.25(b)(1)(iii) and (iv) of Regulation Y and engaging in microcomputer software development and sales as well as providing management consulting services for financial institutions pursuant to §§225.25(b)(7) and (11) of Regulation Y, through its 29.2 percent investment in George K. Darling and Associates, Inc., North Andover, Massachusetts. Applicant has proposed to engage through PFSI in making, acquiring, selling or servicing loans or other extensions of credit as specified under § 225.25(b)(1)(iii) of Regulation Y; and acting as insurance agent or broker with respect to any insurance that is directly related to an extension of credit under § 225.25(b)(8) of Regulation Y. These activities would be conducted for Bay State in Brookline, Massachusetts; New York City, New York; and Nationwide; and for PFSI these activities would be conducted on a nationwide basis.

Board of Governors of the Federal Reserve System, December 26, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-30961 Filed 12-31-85; 8:45 am]

BILLING CODE 6210-01-M

Meigs County Bancshares, Inc., et al.; Notice of Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo,* either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing 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.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 20, 1986.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Meigs County Bancshares, Inc.*, Decatur, Tennessee; to engage *de novo* through its subsidiary, Tennesse Valley Financial Services, Inc., Decatur, Tennessee, in making and servicing loans through a consumer finance company, pursuant to § 225.25(b)(1)(i) of Regulation Y.

B. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Bank of Montreal*, Montreal, Quebec, Canada; *Bankmont Financial Corp.*, New York, New York; and *Harris Bankcorp, Inc.*, Chicago, Illinois; to engage *de novo* through Harris Bankcorp, Inc.'s wholly-owned subsidiary, Derivative Markets Management, Inc., Chicago, Illinois, in providing investment advice, primarily to institutional investors and select individual investors, including pension and profit sharing trusts, insurance companies, foundations and endowment funds, pursuant to § 225.25(b)(4) (i) through (v). The nonbank offices to be acquired would be located in the U.S. and subject to any required regulatory approvals, select foreign countries.

C. Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Centerre Bancorporation*, St. Louis, Missouri; to engage *de novo* through its subsidiary, Market Street Securities, Inc., St. Louis, Missouri, in brokerage services consisting of buying and selling securities solely as agent for the account of customers; and incidental activities such as offering custodial services, individual retirement accounts and cash management services, pursuant to § 225.25(b)(15) of Regulation Y. These activities would be conducted in the states of Missouri, Kansas, and Illinois.

Board of Governors of the Federal Reserve System, December 26, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-30955 Filed 12-31-85; 8:45 am]

BILLING CODE 6210-01-M

New Hampshire Savings Bank Corp.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing 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.

Comments regarding the application must be received at the Reserved Bank indicated or the offices of the Board of Governors not later than January 14, 1986.

A. Federal Reserve Bank of Boston (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts, 02106:

1. *New Hampshire Saving Bank Corp.*, Concord, New Hampshire; to acquire the National Mortgage Company, Inc., Nashua, New Hampshire, thereby engaging in marketing, originating, underwriting, funding, warehousing, packaging and servicing for its own account and for the account of others, loans and extensions of credit in the secondary market, pursuant to § 225.25(b)(1) of Regulation Y. These activities would be conducted in the states of New Hampshire, Maine and Massachusetts. The nonbank offices to be acquired would be located in Nashua, Portsmouth and Bedford, New Hampshire and Portland, Maine.

Board of Governors of the Federal Reserve System, December 26, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-30959 Filed 12-31-85; 8:45 am]

BILLING CODE 6210-01-M

J.P. Morgan & Co. Inc., et al.; Notice of Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing 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 facts 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.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 20, 1986.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *J.P. Morgan & Co. Incorporated*, New York, New York; to engage *de novo* through its subsidiary, Morgan Shareholder Services Trust Company, New York, New York, in the activities of transfer agent, registrar, dividend disbursing agent and related functions, pursuant to § 225.25(b)(3) of Regulation Y. Comments on this application must be received not later than January 17, 1986.

B. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *J.E. Coonley Company*, Dows, Iowa; to engage *de novo* in the leasing of computer hardware and software to a nonsubsidiary financial institution, Sheffield Savings Bank, Sheffield, Iowa, pursuant to § 225.25(b)(5) of Regulation Y. These activities would be limited to a lease transaction between J.E. Coonley Company and Sheffield Savings Bank. Comments on this application must be received not later than January 17, 1986.

C. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *BancHills Bancorp, Inc.*, Austin, Texas; to engage *de novo* through its subsidiary, BancHills Brokerage Corporation, Austin, Texas, in providing securities brokerage activities, restricted to buying and selling securities solely as agent for the account of customers and will not include securities underwriting or dealing or the provision of investment advice or research services, pursuant to § 225.25(b)(15) of Regulation Y.

2. *LTB Corporation*, Shreveport, Louisiana; to engage *de novo* through its subsidiary, LBT Brokerage Service, Inc., Shreveport, Louisiana, in providing securities brokerage services and incidental activities, pursuant to § 225.25(b)(15) of Regulation Y. These activities would be conducted in Shreveport, Louisiana, and the surrounding area.

Board of Governors of the Federal Reserve System, December 26, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-30954 Filed 12-31-85; 8:45 am]

BILLING CODE 6210-01-M

Federal Open Market Committee; Domestic Policy Directive of November 4-5, 1985

In accordance with § 217.5 of its rules regarding availability of information, there is set forth below the Committee's Policy Directive issued at its meeting held on November 4-5, 1985.[1]

The information reviewed at this meeting suggests that economic activity is continuing to expand at a relatively modest pace. In September, total retail sales rose considerably further, but the gain was boosted by a temporary surge in auto sales that was reversed in October. Total nonfarm payroll employment increased considerably in October, following a much slower advance in September, and the civilian unemployment rate was unchanged at 7.1 percent. In recent months industrial production has increased only slightly on balance. Housing starts fell in September, but sales of new and existing homes remained at a relatively high level on average. Incoming information generally suggests a leveling of business capital spending. Merchandise trade data for the third quarter indicate that the deficit widened slightly, as imports continued to increase. Broad measures of prices and wages appear to be rising at rates close to or somewhat below those recorded earlier in the year.

M1 appears to have shown little net change in October following several months of rapid expansion. Largely reflecting the weakness in M1, growth in M2 and M3 apparently was quite moderate in October. Expansion in total domestic nonfinancial debt has remained relatively rapid. Most short-term market interest rates have changed little on balance since the October 1 meeting of the Committee, while long-term rates have declined somewhat. The trade-weighted value of the dollar against major foreign currencies has dropped slightly further on balance since October 1, following a substantial decline after the September 22 meeting of the Finance Ministers and Central Bank Governors of the G-5 countries.

The Federal Open Market Committee seeks to foster monetary and financial conditions that will help to reduce inflation further, promote growth in output on a sustainable basis, and contribute to an improved pattern of international transactions. In furtherance of these objectives the Committee at the July meeting reaffirmed ranges for the year of 6 to 9 percent for M2 and 6 to 9½ percent for M3. The associated range for total domestic nonfinancial debt was reaffirmed at 9 to 12 percent. With respect to M1, the base was moved forward to the second quarter of 1985 and a range was established at an annual growth rate of 3 to 8 percent. The range takes account of expectations of a return of velocity growth toward more usual patterns, following the sharp decline in velocity during the first half of the year, while also recognizing a higher degree of uncertainty regarding that behavior. The appropriateness of the new range will continue to be reexamined in the light of evidence with respect to economic and financial developments including developments in foreign exchange markets. More generally, the Committee agreed that growth in the aggregates may be in the upper parts of their ranges, depending on continuing developments with respect to velocity and provided that inflationary pressures remain subdued.

For 1986 the Committee agreed on tentative ranges of monetary growth, measured from the fourth quarter of 1985 to the fourth quarter of 1986, of 4 to 7 percent for M1, 6 to 9 percent for M2, and 6 to 9 percent for M3. The associated range for growth in total domestic nonfinancial debt was provisionally set at 8 to 11 percent for 1986. With respect to M1 particularly, the Committee recognized that uncertainties surrounding recent behavior of velocity would require careful reappraisal of the target range at the beginning of 1986. Moreover, in establishing ranges for next year, the Committee also recognized that account would need to be taken of experience with institutional and depository behavior in response to the completion of deposit rate deregulation early in the year.

In the implementation of policy for the immediate future, the Committee seeks generally to maintain about the existing degree of pressure on reserve positions. This action is expected to be consistent with growth in M2 and M3 over the period from September to December at annual rates of about 6 percent. M1 growth over the period at an annual rate of around 6 percent is also anticipated; slower growth for that aggregate would be acceptable in the context of satisfactory economic performance, given the very rapid growth in M1 over the summer. Somewhat greater reserve restraint might, and somewhat lesser reserve restraint would, be acceptable depending on behavior of the aggregates, taking account of appraisals of the strength of the business expansion, developments in foreign exchange markets, progress against inflation, and conditions in domestic and international credit markets. The Chairman may call for Committee consultation if it appears to the Manager for Domestic Operations that reserve conditions during the period before the next meeting are likely to be associated with a federal funds rate persistently outside a range of 6 to 10 percent.

By order of the Federal Open Market Committee, December 26, 1985.

Stephen H. Axilrod,

Secretary.

[FR Doc. 85-31022, Filed 12-31-85; 8:45 am]

BILLING CODE 6210-01-M

[1] The Record of policy actions of the Committee for the meeting of November 4-5, 1985, is filed as part of the original document. Copies are available upon request to The Board of Governors of the Federal Reserve System, Washington, DC 20551.

Federal Open Market Committee; Authorization for Domestic Open Market Operations

In accordance with the Committee's rules regarding availability of information, notice is given that on December 9, 1985, paragraph 1(a) of the Committee's authorization for domestic

open market operations was amended to raise from $6 billion to $7 billion the limit on changes between Committee meetings in System Account holdings of U.S. government and federal agency securities, effective immediately, for the period ending with the close of business on December 17, 1985.

Note.—For paragraph 1(a) of the authorization, see 36 FR 22697.

By order of the Federal Open Market Committee, December 26, 1985.

Stephen H. Axilrod,

Secretary.

[FR Doc. 85-31021 Filed 12-31-85; 8:45 am]

BILLING CODE 6210-01-M

Community Banks, Inc., Correction

This notice corrects a previous Federal Register document (FR Doc. No. 85-29877), published at page 51599 of the issue for Wednesday, December 18, 1985.

The correct name of the subsidiary is CBI Trust and Financial Services, Inc., Madison, Wisconsin.

Board of Governors of the Federal Reserve System, December 27, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-31023 Filed 12-31-85; 8:45 am]

BILLING CODE 6210-01-M

United Bank Corporation of New York, et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. 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 is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. 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.

Unless otherwise noted, comments regarding each of these applications must be received not later than January 24, 1986.

A. **Federal Reserve Bank of New york** (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *United Bank Corporation of New York*, Downsville, New York, to become a bank holding company by acquiring 100 percent of the voting shares of the First National Bank of Downsville, Downsville, New York. Comments on this application must be received not later than January 27, 1986.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice Presicent) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Edgewood Bancshares, Inc.*, Countryside, Illinois; to acquire 25 percent of the voting shares of Horizon Bancshares, Inc., Lombard, Illinois, thereby indirectly acquiring State Bank of Lombard, Lombard, Illinois.

2. *Horizon Bancshares, Inc.*, Lombard, Illinois; to become a bank holding company by acquiring at least 99.12 percent of the voting shares of State Bank of Lombard, Lombard, Illinois.

3. *M&I Marytown Corporation*, Marytown, Wisconsin; to become a bank holding company by acquiring 100 percent of the voting shares of Marytown Bancshares, Inc., New Holstein, Wisconsin, thereby indirectly acquiring Farmers & Merchants Bank, Marytown, Wisconsin.

4. *Old Kent Financial Corporation*, Grand Rapids, Michigan; to acquire 100 percent of the voting shares of First State Bank of Greenville, Greenville, Michigan.

C. **Federal Reserve Bank of St. Louis**, (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First Exchange Corp.*, Cape Girardeau, Missouri; to acquire 100 percent of the voting shares of First Exchange Bank of St. Louis, St. Louis, Missouri, a *de novo* bank.

D. **Federal Reserve Bank of Dallas**, (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *First Chico Bancshares, Inc.*, Chico, Texas; to acquire 62.05 percent of the voting shares of Strawn Bancshares, Inc., Strawn, Texas, thereby indirectly acquiring Strawn Security Bank, Strawn, Texas.

2. *First National Bancorporation of Ennis, Inc.*, Ennis, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Ennis, Ennis, Texas, a *de novo* bank.

3. *Quitman Bancorporation, Inc.*, Quitman, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Quitman, Quitman, Texas.

Board of Governors of the Federal Reserve System, December 27, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-31024 Filed 12-31-85; 8:45 am]

BILLING CODE 6210-01-M

Washington Trust Bancorp, Inc., et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing 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.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 23, 1986.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts, 02106:

1. *Washington Trust Bancorp, Inc.*, Westerly, Rhode Island; to engage *de novo* through its subsidiary, Washington Trust Brokerage Services, Inc., Westerly, Rhode Island, in securities brokerage activities, pursuant to § 225.25(b)(15) of Regulation Y.

B. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Toledo Trustcorp, Inc.*, Toledo, Florida; to engage *de novo* through its subsidiary, Trustcorp of Florida; N.A., Naples, Florida, in functions or activities that may be performed by a trust company (including activities of a fiduciary, agency, or custodial nature), in the manner authorized by federal or state law as permitted by § 225.25(b)(3) of Regulation Y. These activities would be conducted in the state of Florida.

C. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Bank of Virginia Company*, Richmond, Virginia; to engage *de novo* through its subsidiary, BVA Investment Corp., Richmond, Virginia, in buying and selling securities solely as agent for the account of customers (without underwriting or dealing in securities or providing investment advice or research services) and conducting related securities credit activities, pursuant to Regulation T and incidental activities such as offering custodial services, individual retirement accounts, and cash management services, pursuant to § 225.25(b)(15) of Regulation Y.

D. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Naperville Financial Corporation*, Naperville, Illinois; to engage *de novo* through its subsidiary, Naper Securities Corporation, Naperville, Illinois, in securities brokerage activities, pursuant to § 225.25(b)(15) of Regulation Y.

Board of Governors of the Federal Reserve System, December 27, 1985

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-31025 Filed 12-31-85; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 85E-0528]

Determination of Regulatory Review Period for Purposes of Patent Extension; Betopic

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Betopic and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESS: Written comments and petitions should be directed to the Docket Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Michael W. Cogan, Office of Health Affairs (HFY-20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1382.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) generally provides that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under that act, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product Betoptic, a solution of betaxolol hydrochloride which is indicated in the treatment of ocular hypertension and chronic open-angle glaucoma. Based on this approval, Alcon Laboratories, Inc., now seeks patent term restoration.

FDA has determined that the applicable regulatory review period for Betoptic solution is 1,905 days. Of this time, 1,421 days occurred during the testing phase of the regulatory review period, while 484 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act became effective:* June 14, 1980. The applicant claims June 12, 1980, as the date which commenced the testing phase. FDA, however, received the notice of claimed investigational exemption (IND) for the drug on May 14, 1980. Under FDA regulations (21 CFR 312.1(b)(4)), the IND became effective on June 14, 1980.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the Federal Food, Drug, and Cosmetic Act:* May 4, 1984. FDA has verified that the new drug application for the drug (NDA 19-270) was initially submitted on May 4, 1984.

3. *The date the application was approved:* August 30, 1985. FDA verified that NDA 19-270 was approved on August 30, 1985.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 552 days of patent extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before March 3, 1986, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before July 1, 1986, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an

FDA investigation. (See H. Rept. 857, Part 1, 98th Cong., 2d Sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (**ADDRESS** above) in three copies (except that individuals may submit single copies) and identified with the document number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 26, 1985.

Stuart L. Nightingale,

Associate Commissioner for Health Affairs.

[FR Doc. 85–30948 Filed 21–31–85; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 85M-0556]

Helitrex, Inc.; Premarket Approval of Collacote™ Collagen Wound Dressing for Dental Surgery

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Helitrex, Inc., Princeton, NJ for premarket approval, under the Medical Device Amendments of 1976, of CollaCote™ Collagen Wound Dressing for Dental Surgery. After reviewing the recommendation of the Dental Devices Panel FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the application.

DATE: Petitions for administrative review by February 3, 1986.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Gregory Singleton, Center for Devices and Radiological Health (HFZ–470), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION: On November 23, 1984, Helitrex, Inc., Princeton, NJ 08540, submitted to CDRH an application for premarket approval of the CollaCote™ Collagen Wound Dressing for Dental Surgery. The device is indicated for application to moist or bleeding clean oral wounds created during dental surgery to control bleeding and protect the surface of the wound from further injury. On May 3, 1985, the Dental Devices Panel, and FDA advisory committee, reviewed and recommended approval of the application. On November 8, 1985, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available upon written request from that office. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved final labeling is available for public inspection at CDRH—contact Gregory Singleton (HFZ–470), address above.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before February 3, 1986, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554–555, 571 (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: December 20, 1985.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 85–30851 Filed 12–31–85; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 85M-0557]

Helitrex, Inc.; Premarket Approval of Helistat™ Absorbable Collagen Hemostatic Sponge

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Helitrex, Inc., Princeton, NJ, for premarket approval, under the Medical Device Amendments of 1976, of the HELISTAT™ Absorbable Collagen Hemostatic Sponge. The hemostatic sponge is to be manufactured and marketed under an agreement with the Kendall Co., Boston MA, which has authorized Helitrex, Inc., to incorporate by reference information contained in its approved premarket approval application for the COLLASTAT® Absorbable Collagen Hemostatic Sponge. After reviewing the recommendation of the General and Plastic Surgery Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the application.

DATE: Petitions for administrative review by February 3, 1986.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Nirmal K. Mishra, Center for Devices and Radiological Health (HFZ–410), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7156.

SUPPLEMENTARY INFORMATION: On February 20, 1985, Helitrex, Inc., Princeton, NJ 08540, submitted to CDRH an application for premarket approval of

the HELISTAT™ Absorbable Collagen Hemostatic Sponge. The device is an absorbable collagen hemostatic sponge fabricated from bovine tendon. The device is indicated in surgical procedures (other than in neurological, ophthalmological, and urological surgery) as an adjunct to hemostatis when control of bleeding by ligature or conventional procedures is ineffective or impractical. The application included authorization from the Kendall Co., Boston, MA, to incorporate by reference its approved premarket approval application for the COLLASTAT® Absorbable Collagen Hemostatic Sponge (Docket No. 81M-0402). On May 9, 1985, the General and Plastic Surgery Devices Panel, an FDA advisory committee, reviewed the application and recommended approval of it. On November 8, 1985, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file with the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Nirmal K. Mishra (HFZ-410), address above.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before February 3, 1986, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the advice and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554–555, 571 (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: December 20, 1985.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 85-30849 Filed 12-31-85; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 85M-0559]

Medtronic, Inc.; Premarket Approval of the Medtronic ® Scoliosis™ System Model 3100-2

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Medtronic, Inc., Minneapolis, MN, for premarket approval, under the Medical Device Amendments of 1976, of the Medtronic® Scoliosis™ System Model 3100-2. After reviewing the recommendation of the Orthopedic and Rehabilitation Devices Panel, FDA's Center for Devices and Radiological Health (CDRH), notified the applicant of the approval of the application.

DATE: Petitions for administrative review by February 3, 1986.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Nirmal K. Mishra, Center for Devices and Radiological Health (HFZ-410), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7156.

SUPPLEMENTARY INFORMATION: On May 29, 1984, Medtronic, Inc., Minneapolis, MN 55440, submitted to CDRH an application for premarket approval of the Medtronic® Scoliosis™ System Model 3100-2. The device is a dual-channel electrical-external neuromuscular spinal stimulator. The device is indicated for use in arresting or retarding juvenile or adolescent single major or double progressive idiopathic scoliotic curves between 20 and 40 degrees (as determined by the Cobb Method). Patients with a curvature in the 20 to 25 degree range must have had a documented progression of at least 5 degrees in the preceding 6 months. On March 15, 1985, the Orthopedic and Rehabilitation Devices Panel, an FDA advisory committee, reviewed and recommended approval of the appplication. On November 25, 1985, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file with the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Nirmal K. Mishra (HFZ-410), address above.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regualtions or a review of the application and of CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing

the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before February 3, 1986, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554–555, 571 (21 U.S.C. 360e(d), (360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: December 20, 1985.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 85-30850 Filed 12-31-85; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 85M-0558]

Oculus Contact Lens Co.; Premarket Approval of OCUSIL ™ (Nefocon A) Contact Lens (Clear or Blue)

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Oculus Contact Lens Co., Chicago, IL, for premarket approval, under the Medical Device Amendments of 1976, of the OCUSIL ™ (nefocon A) Contact Lens (clear or blue). After reviewing the recommendation of the Ophthalmic Devices Panel, FDH's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the application.

DATE: Petitions for administrative review by February 3, 1986.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Richard E. Lippman, Center for Devices and Radiological Health (HFZ-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7940.

SUPPLEMENTARY INFORMATION: On October 9, 1984, Oculus Contact Lens Co., Chicago, IL 60602, submitted to CDRH an application for premarket approval of the OCUSIL ™ (nefocon A) Contact Lens (clear or blue tinted) in spherical and in toric configurations. The spherical OCUSIL ™ (nefocon A) Contact Lens ranges in powers from −20.00 diopters (D) to +10.00 D. The lens is indicated for daily wear for the correction of visual acuity in not-aphakic persons with nondiseased eyes that are myopic or hyperopic and have corneal astigmatism of 2.50 D or less that does not interfere with visual acuity. The toric lens ranges in spherical powers from −20.00 D to +10.00 D and cylindrical powers from 0.00 D to 6.87 D. The toric lens is indicated for daily wear for the correction of visual acuity in not-aphakic persons with nondiseased eyes that have corneal astigmatism of 6.87 D or less. Both configurations are to be disinfected using a chemical (not heat) lens care system only. The blue tinted OCUSIL ™ (nefocon A) Contact Lens contains the color additive D&C Green No. 6 in accordance with the color additive listing provisions of 21 CFR 74.3206. On February 8, 1985, the Ophthalmic Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On November 20, 1985, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file with the Dockets Management Branch (address above) and is available from the office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Richard E. Lippman (HFZ-460), address above.

The labeling of the OCUSIL™ (nefocon A) Contact Lens states that the lens is to be used only with certain solutions for disinfection and other purposes. The restrictive labeling informs new users that they must avoid using certain products, such as solutions intended for use with hard contact lenses only. The restrictive labeling needs to be updated periodically, however, to refer to new lens solutions that CDRH approves for use with approved contact lenses made of polymers other than ploymethylmethacrylate, to comply with the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 301 et seq.), and regulations thereunder, and with the Federal Trade Commission Act (15 U.S.C. 41-58), as amended. Accordingly, whenever CDRH publishes a notice in the **Federal Register** of the approval of a new solution for use with an approved lens, the applicant of the lens shall correct its labeling to refer to the new solution at the next printing or at any other time CDRH prescribes by letter to the applicant.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issue to be reviewed, the form to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before February 3, 1986, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554–555, 571 (21 U.S.C. 360e(d), 360j(h))) and under

authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: December 20, 1985.

John C. Villforth,

Director,

Center for Devices and Radiological Health.

[FR Doc. 85-30848 Filed 12-31-85; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

Medicaid Program; Hearing: Reconsideration of Disapproval of A Portion of an Alabama State Plan Amendment

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of hearing.

SUMMARY: This notice announces an administrative hearing on January 29, 1986 in Atlanta, Georgia to reconsider our decision to disapprove Alabama State Plan Amendment 85-9.

CLOSING DATE: Requests to participate in the hearing as a party must be received by the Docket Clerk January 17, 1986.

FOR FURTHER INFORMATION CONTACT: Docket Clerk, Hearing Staff, Bureau of Eligibility, Reimbursement and Coverage, 365 Est High Rise, 6325 Security Boulevard, Baltimore, Maryland 21207, Telephone: (301) 594-8261.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider our decision to disapprove a portion of an Alabama State Plan Amendment.

Section 1116 of the Social Security Act and 45 CFR Parts 201 and 213 establish Department procedures that provide an administrative hearing for reconsideration of a disapproval of a State plan or plan amendment. HCFA is required to publish a copy of the notice to a State Medicaid Agency that informs the agency of the time and place of the hearing and the issues to be considered. (If we subsequently notify the agency of additional issues which will be considered at the hearing, we will also publish that notice.)

Any individual or group that wants to participate in the hearing as a party must petition the Hearing Officer within 15 days after publication of this notice, in accordance witht the requirements contained in 45 CFR 213.15(b)(2). Any interested person or organization that wants to participate as amicus curiae must petition the Hearing Officer before the hearing begins in accordance with the requirements contained in 45 CFR 213.15(c)(1).

If the hearing is later rescheduled, the Hearing Officer will notify all participants.

The issue in this matter is whether Alabama State Plan Amendment 85-9 which attempts to implement changes regarding the State's transfer of resources policy violates section 1917(c) of the Social Security Act.

Section 1917(c) of the Social Security Act provides that, notwithstanding any other provision under title XIX, an individual who would otherwise be eligible for medical assistance under the State plan approved under title XIX may be denied such assistance if such individual would not be eligible for such medical assistance but for the fact that he disposed of resources for less than fair market value.

Alabama's transfer of resources provision in the plan amendment does not limit an individual's transferred resources, or interest therein, encompassed by the proposed policy to only those resources that are sold or given away for less than fair market value as required by section 1917(c) of the Act. The proposed plan amendment instead contains a policy which we determined to be more restrictive than that allowed under section 1917(c) of the Act by considering all transferred resources rather than only resources transferred for less than fair market value when determining eligibility for Medicaid. Because, in making the Medicaid eligibility determination, the amendment governs transfers of resources which are not disposed of for less than fair market value, HCFA determined that the Alabama amendment violates section 1917(c) of the Act and disapproved it.

Also, the amendment does not appear to be limited to non-exempt resources. Section 1917(c) of the Act is framed in terms of an individual "who would not be eligible for (Medicaid) but for the fact that he disposed of resources for less than fair market value." Since the failure to transfer an exempt resource would not result in the individual's ineligibility, transfers of exempt resources are not to be covered under section 1917(c). (Also, except with respect to the period of disqualification for certain transfers in excess of $12,000 and certain transfers of homes by individuals who are inpatients in medical institutions, section 1917(c) prohibits States from using transfer of resource restrictions which are more restrictive than those specified in section 1613(c) of the Act. Section 1613(c) by its terms only applies to countable resources.) Thus, HCFA has determined the amendment violates section 1917(c) insofar as it includes transfers of exempt resources. Finally, the transfer of resource restriction included in the amendment makes an individual ineligible for Medicaid for a period of 2 years even if the net uncompensatied value of the transfer with the individual's other countable resources is less than $1,600 (the SSI resource level). HCFA has determined this also violates section 1917(c) of the Act and was an additional basis for disapproving this provision.

The notice to Alabama announcing an administrative hearing to reconsider our disapproval of a portion of its State plan amendment reads as follows:

Mrs. Faye Baggiano,

Commissioner, Alabama Medicaid Agency,

2500 Fairlane Drive, Montgomery,

Alabama 36130.Q02

Dear Mrs. Baggiano: This is to advise you that your request for reconsideration of the decison to disapprove a portion of Alabama State Plan Amendment 85-9 was received on November 25, 1985. You have requested reconsideration of whether the plan amendment conforms to the requirements for approval under title XIX of the Social Security Act. The issues to be considered at a hearing on your request for reconsideration are: Whether the amendment violates section 1917(c) of the Social Security Act because 1) it applies to resources which are transferred at fair market value or for greater consideration, 2) it applies to exempt resources, and 3) it establishes a 2-year disqualification from Medicaid even if the individual's total countable resources (including the net uncompensated value received from the transfer) are less than $1,600.

I am scheduling a hearing on your request to be held January 29, 1986 at 10:00 am. in the 5th Floor Conference Room, 101 Marietta Tower, Spring and Marietta Streets, Atlanta, Georgia.

If this date is not acceptable, we would be glad to set another date that is mutually agreeable to the parties.

I am designating Mr. Stanley Krostar as the presiding official. If these arrangements present any problems, please contact the Docket Clerk. In order to facilitate any communication which may be necessary between the parties to the hearing, please notify the Docket Clerk of the names of the individuals who will represent the State at the hearing. The Docket Clerk can be reached at (301) 594-8261.

Sincerely yours,

C. McClain Haddow,

Acting Administrator.

(Sec. 1116 of the Social Security Act (42 U.S.C. 1316))

(Catalog of Federal Domestic Assistance Progam No. 13.714, Medicaid Assistance Program)

Dated: December 24, 1985.

C. McClain Haddow,

Acting Administrator, Health Care Financing Administration.

[FR Doc. 85-31020 Filed 12-31-85; 8:45 am]

BILLING CODE 4120-01-M

Medicaid Program; Hearing: Reconsideration of Disapproval of a New York State Plan Amendment

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of hearing.

SUMMARY: This notice announces an administrative hearing on February 21, 1986 in New York, New York to reconsider our decision to disapprove New York State Plan Amendment 84-21.

CLOSING DATE: Requests to participate in the hearing as a party must be received by the Docket Clerk January 17, 1986.

FOR FURTHER INFORMATION CONTACT: Docket Clerk, Hearing Staff, Bureau of Eligibility, Reimbursement and Coverage, 365 East High Rise, 6325 Security Boulevard, Baltimore, Maryland 21207, Telephone: (301) 594-8261.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider our decision to disapprove a New York State Plan Amendment.

Section 1116 of the Social Security Act and 45 CFR Parts 201 and 213 establish Department procedures that provide an administrative hearing for reconsideration of a disapproval of a State plan or plan amendment. HCFA is required to publish a copy of the notice to a State Medicaid Agency that informs the agency of the time and place of the hearing and the issues to be considered. (If we subsequently notify the agency of additional issues which will be considered at the hearing, we will also publish that notice.)

Any individual or group that wants to participate in the hearing as a party must petition the Hearing Officer within 15 days after publication of this notice, in accordance with the requirements contained in 45 CFR 213.15(b)(2). Any interested person or organization that wants to participate as amicus curiae must petition the Hearing Officer before the hearing begins in accordance with the requirements contained in 45 CFR 213.15(c)(1).

If the hearing is later rescheduled, the Hearing Officer will notify all participants.

The issue in this matter is whether New York's amendment which would add a hospice benefit to its Medicaid program violates section 1905(a)(18) of the Social Security Act and Federal regulations at 42 CFR 440.170.

Under this amendment New York is proposing to cover hospice services as a category of "other medical care" authorized by section 1905(a)(18) of the Social Security Act. That section includes as medical assistance any other medical or remedial care recognized under State law and "specified by the Secretary." The services that may be included in a State plan under this provision are designated at 42 CFR 440.170. Hospice services are not specified under that regulation and thus may not be included in the State plan under the authority of section 1905(a)(18) of the Act.

In addition, in light of pending Congressional action on certain proposals that would provide specific statutory authority for the provision of hospice services as a separate service category under Medicaid and the broad complex nature of hospice services HCFA believes it would be inappropriate to specify this benefit as "other medical care" under section 1905(a)(18) of the Act.

The notice to New York announcing an administrative hearing to reconsider our disapproval of its State plan amendment reads as follows:

Mr. David Emil,

Deputy Commissioner and General Counsel, Department of Social Services, 40 North Pearl Street, Albany, New York 12243

Dear Mr. Emil: This is to advise you that your request for reconsideration of the decision to disapprove New York State Plan Amendment 84-21 was received on December 2, 1985. You have requested a reconsideration of whether the plan amendment conforms to the requirements for approval under the Social Security Act and pertinent Federal regulations.

I am scheduling a hearing on your request to be held on February 21, 1986 at 10 a.m., in Room 305A, 3rd Floor, 26 Federal Plaza, New York City, New York. If this date is not acceptable, we would be glad to set another date that is mutually agreeable to the parties.

I am designating Mr. Lawrence Ageloff as the presiding official. If these arrangements present any problems, please contact the Docket Clerk. In order to facilitate any communication which may be necessary between the parties to the hearing, please notify the Docket Clerk of the names of the individuals who will represent the State at the hearing. The Docket Clerk can be reached at (301) 594-8261.

Sincerely yours,

C. McClain Haddow,

Acting Administrator.

(Section 1116 of the Social Security Act (42 U.S.C. 1316))

(Catalog of Federal Domestic Assistance Program No. 13.714, Medicaid Assistance Program)

Dated: December 26, 1985.

C. McClain Haddow,

Acting Administrator, Health Care Financing Administration.

[FR Doc. 85-30974 Filed 12-31-85; 8:45 am]

BILLING CODE 4120-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

[Docket No. N-85-1573; FR-2133]

Section 8 Housing Assistance Payments Program: Fair Market Rent Schedules for Use in the Existing Housing Certificate Program, Loan Management and Property Dispositon Programs, Moderate Rehabilitation Program and Housing Voucher Program

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Proposed notice.

SUMMARY: Section 8(c)(1) of the United States Housing Act of 1937 requires the Secretary to publish Fair Market Rents periodically, but not less frequently than annually. This document proposes Fiscal Year 1986 Fiar Market Rents. The proposal would amend Fair Market Rent Schedules for the section 8 Existing Housing Certificate Program and Moderate Rehabilitation Program (Part 882), including space rentals by owners of manufactured homes under the section 8 Existing Certificate Program (Part 882, Subpart F) and for existing housing assisted under Part 886, Subparts A and C. In addition, FMRs are used to determine the Initital Payment Standard and subsequent payment standard schedules in the Housing Voucher Program.

DATE: Comments are due: March 18, 1986. However, anyone intending to submit comments must notify the Rules Docket Clerk at the address below by February 18, 1986.

ADDRESSES: Interested persons are invited to submit comments to the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410-0500. Each comment should include the commenter's name and address and must refer to the docket number indicated in the heading of this rule. Each commenter should simultaneously submit a copy of its comments to the

Economic and Market Analysis Division in the appropriate HUD Field Office. A copy of each comment submittted to the Rules Docket Clerk 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 Elderly and Assisted Housing, telephone (202) 755–6477. For technical information on the development of 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, telephone (202) 755–5590. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Background

Section 8 of the United States Housing Act of 1937 (the Act) (42 U.S.C. 1437f) authorizes a housing assistance program to aid lower income families in renting decent, safe, and sanitary housing. Assistance payments are limited by Fair Market Rents (FMRs) established by HUD for different areas.

In general, the FMR for an area is the amount that would be needed to rent privately owned, decent, safe, and sanitary rental housing of a modest (non-luxury) nature with suitable amenities. Section 8(c) of the Act requires the Secretary of HUD to publish FMRs periodically, but not less frequently then annually.

The Department most recently published Fair Market Rents for section 8 Existing Housing (including FMRs for Manufactured Home Speces and Moderate Rehabilitation) in an interim rule published on July 5, 1984, effective October 1, 1984 (49 FR 27658). These interim FMRs were made final, with several changes in rents in response to public comments, in a final rule published on April 16, 1985 (*See* 50 FR 14922), effective May 17, 1985.

Since these FMRs were published, the Department has changed the way FMRs are published and has increased coverage of housing assistance payments based on the published FMRs.

A final rule published on September 25, 1985 (*See* 50 FR 38791), revised Part 888 to provide for a two-step notice process for establishing FMRs. The first notice (today's document constitutes the "first notice") proposes FMRs and asks for comments. The second notice announces final FMRs, which are effective on publication in the **Federal Register.**

The Department encourages the retention of the complete listing of proposed FMRs contained in today's document, because effective rents for Fiscal Year 1986 may be announed in one or more subsequent publications that may or may not contain a complete set of Fair Market Rent Schedules.

The September 25, 1985 final rule also authorized Single Room Occupancy units (SROs) for the Existing Housing Certificate Program under certain conditions. (SROs have been authorized previously for the Moderate Rehabilitation Program.) Both the Existing Housing Certificate and Moderate Rehabilitation Programs authorize SROs at 75 percent of the appropriate (Existing Housing or Moderate Rehabilitation) zero-bedroom FMR.

Use of FMRs in Housing Voucher Program

In addition, FMRs are used in the context of the Housing Voucher Demonstration Program. (*See* The Notice of Funding Availability (NOFA) in the May 8, 1985 issue of the **Federal Register,** 50 FR 19475.) In the Housing Voucher Program, the amount of the housing assistance payment is determined by subtracting 30 percent of the Family's monthly adjusted income from the Applicable Standards. The Applicable Standards are developed by the PHA consistent with the terms of the NOFA and are based on the FMRs. There may be one or several Applicable Standards in effect in a jurisdiction—including the Initial Payment Standard, the New Family/Mover schedule or an Adjustment Standard schedule. In addition, for Housing Vouchers a PHA may propose (for HUD approval) a payment standard for SRO housing which is between 75 to 100 percent of the applicable zero-bedroom FMR or approved exception rent.

A PHA operating a Housing Voucher program may experience difficulty in implementing the Housing Voucher Payment Standard provisions in the May 8 NOFA if the applicable FMR is decreased, as proposed for some areas in today's Notice. For this reason, the Department is currently reviewing the Payment Standard provisions, including the provisions on the New Family/Mover schedules and the Adjustment Standard schedules. HUD intends to publish additional instructions on these provisions before any decreased FMRs go into effect.

Fair Market Rent Schedules

This document proposes revised Fair Market Rents. These rents reflect estimated rent levels as of April 1, 1986. Schedules at the end of this document list the FMR levels for Existing Housing (Schedule B) and Manufactured Home Spaces in the Section 8 Certificate Program (Schedule D). FMRs for the Moderate Rehabilitation Program are 120 percent of the Schedule B Existing Housing Fair Market Rents (see 24 CFR 882.408(a) and 888.113(e)(1)). FMRs for Single Room Occupancy (SRO) units are 75 percent of the applicable zero-bedroom Fair Market Rent for Existing Housing and Moderate Rehabilitation and between 75 and 100 percent of the applicable zero-bedroom FMR or approved exception rent for Housing Vouchers. For example, the FMR limitation for an SRO unit in the Existing Housing Certificate program is 75 percent of the zero-bedroom FMR listed in Schedule B. The FMR limitation for an SRO unit in the Moderate Rehabilitation program is 75 percent of the Moderate Rehabilitation FMR for a ero-bedroom unit. For Housing Vouchers, the PHA may request an amount for HUD approval, within the range of 75 and 100 percent of the zero-bedroom FMR or exception rent.

Method Used To Develop FMRs

The elements used by HUD in developing the FMRs are the same as those we have used in the past and include: (1) The 45th percentile rent (that is, the rent below which 45 percent of the standard quality rental housing units are distributed); (2) Rents based on units occupied by recent movers (households who moved within two years before the date of the survey data used in these calculations); and (3) Exclusion from the data base of all public housing units and recently completed housing (units built within two years of the survey dates).

The use of 1980 Census data for the first time in the process for developing the 45th percentile-standard FMRs for Fiscal Year 1986 (FY 86) produces FMR calculations that are higher than the FMRs approved for Fiscal Year 1985 (FY 85) in approximately 82 percent of the metropolitan FMR areas and 74 percent of the nonmetropolitan areas. In addition, use of the 1980 Census data results in reductions in the FMRs approved for 1985 in 63 of the 337 metropolitan areas (18 percent) and in 625 of the 2,421 nonmetropolitan market areas (26 percent).

The major steps and data used to develop the proposed rents are as follows:

Step 1. The 45th percentile gross rent of standard quality two-bedroom units occupied by recent movers is calculated for each Primary Metropolitan Statistical Area (PMSA), Metropolitan Statistical Area (MSA), and nonmetropolitan portion of each Census County Group as of October 1, 1979 by

using data from the 1980 Census Public-Use Microdata Sample A, and Summary Tape File 4A Table HA33. The rents derived from the Census data are increased by two percent based on housing quality data from the 1981 AHS national sample which is more comprehensive than the quality data from the Census.

Step 2. The rents for two-bedroom units developed in step (1) are updated to April 1, 1986 based on the use of CPI data for rents and utilities for each year from October 1979 through October 1984, and an average annual rate of change of 5.1 percent for the period from October 1984 to April 1986, as indicated by the most recent trend in the CPI. Rent estimates for zero-bedroom (efficiency), one-bedroom, three-bedroom, and four-bedroom units are developed for each area based on differentials by bedroom size derived from the 1981 AHS national sample and the higher allowances for three- and four-bedroom units introduced with the publication of the Fiscal Year 1985 FMRs (see 49 FR 27658). The ratios of these rents to the two-bedroom base rent are .70 for zero-bedroom, .85 for one-bedroom, 1.25 for three-bedroom, and 1.40 for four-bedroom respectively.

Step 3. For 54 metropolitan areas covered by American Housing Survey (AHS) surveys conducted since the 1980 Census (during 1980 through 1983), rent estimates for Fiscal Year 1986 have been developed using the AHS data updated by rent and utility data from the CPI.

Step 4. The FMRs for Manufactured Home Spaces in the Existing Housing Certificate Program have been updated to April 1, 1986 based on the most recently available 12-month trend in the rent component of the CPI for the four Census regions.

Request for Comments

The Department seeks public comment on FMR levels for specific areas. The comment period is 75 days from publication, so long as anyone intending to submit comments notifies the Department of this intention within 45 days, February 18, 1986. For market areas from which no comments or notice of intent to submit comments are received on or before Febuary 18, 1986, the Department may announce the effectiveness of these FMRs at any time following February 18, 1986. Comments on FMR levels should include sufficient information (including a full description of local data and methodology used) to justify any proposed changes. Changes may be proposed in all or any of the unit sizes on the schedule. Recommendations and supporting data must reflect the rent levels that exist within the entire market area (Metropolitan Statistical Area, Primary 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 45th percentile rent levels for standard quality rental housing units. To be representative, the local data must exclude units built within the last two years of the PHAs's survey, should not be drawn solely from vacant units, and should approximate the same proportion of units by structure type (for example, highrise or single family detached) and date of construction as exists in the total local inventory. A weighted sample may be used to obtain appropriate coverage. Since the Department's data base includes only recent movers, where possible commenters may wish to submit surveys based only on recent movers.

Local rental market surveys may be conducted 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 established HUD differentials by bedroom size, or if other pertinent data is supplied to support the proposals for other size units. When three- and four-bedroom units are surveyed, the following procedure must be used to determine appropriate FMR proposals: (1) Determine the 45th percentile rents for the three- and four-bedroom units surveyed, (2) multiply the 45th percentile three-bedroom rent by 1.087 to determine the three-bedroom FMR, and (3) multiply the four-bedroom rent by 1.077 to determine the four-bedroom FMR. The use of these factors will produce the same upward adjustments in the rent differentials by bedroom size as those applied to the standard rent differentials for three- and four-bedroom units in the HUD methodology.

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 facilitate evaluation and comparison with tax, fuel and utility costs data used in the Department's FMR calculations, and must be representative of the rental inventory.

In developing comments on this proposed Notice, persons should note the additional uses of the Fair Market Rent Schedules discussed earlier in this Preamble. (SROs in the Existing Certificate Program and computation of subsidy in the Housing Voucher Program).

Administrative Fees

HUD proposes to apply the new FMRs to calculation of the administative fee in two phases. For a PHA administering a section 8 program in a jurisdiction where the two-bedroom FMR is increased, the PHA's administrative fee will be adjusted as of the first day of the first month following the effective date of the FMRs. For a PHA administering a section 8 program in a jurisdiction where the two-bedroom FMR is decreased, the PHA's administrative fee will be adjusted as of the first day of the PHA's fiscal year that begins after the effective date of the FMRs. (The final FMRs, when published, will be effective the day of publication in the **Federal Register**.)

Other matters

A Finding of No Significant Impact with respect to the environment required by the National Environmental Policy Act (42 U.S.C. 4321–4374) is unnecessary, since the section 8 Existing Housing program is categorically excluded under HUD regulations; at 24 CFR 50.20(d).

Under 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this Notice does not have a significant economic impact on a substantial number of small entities because FMRs reflect the rents for similar quality units in the area. Therefore, FMRs do not change the rent from that which would be charged if the project were not in the section 8 program.

The Catalog of Federal Domestic Assistance program number is 14.156, Lower-Income Housing Assistance Program (section 8).

Accordingly, the Fair Market Rent Schedules are proposed to be amended as follows:

Dated: December 13, 1985.

Janet Hale,

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 Metropolitan Statistical Areas (MSAs), Primary Metropolitan Statistical Areas (PMSAs), nonmetropolitan counties, and county equivalents in the United States, District of Columbia, Puerto Rico, the Virgin Islands, and Guam. FMRs also

are established for nonmetropolitan parts of counties in the New England States.

b. FMRs for Manufactured Home spaces in the Section 8 Certificate Program (Schedule D) are established for all MSAs, PMSAs, selected nonmetropolitan counties, and the residual nonmetropolitan portion of each State.

c. The current 337 MSAs and PMSAs are those established by the Office of Management and Budget effective on or before June 30, 1985.

2. Arrangement of FMR Areas and Identification of Constituent Parts

a. The FMR areas in Schedules B and D are listed alphabetically by MSA–PMSA and nonmetropolitan county within each State.

b. The constituent counties (and New England towns and cities) included in each MSA and PMSA are listed immediately following the MSA–PMSA names in each State listed in Schedule B. All of the constituent parts of an MSA that are in more than one State can be identified by consulting the listings for each applicable State.

c. Two nonmetropolitan counties are listed alphabetically on each line of the nonmetropolitan county listings.

d. The New England towns and cities included in a nonmetropolitan part of a county are listed immediately following the county name.

e. The FMRs are listed by dollar amount on the first line beginning with the FMR area name.

BILLING CODE 4210-27-M

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 120685

S T A T E: ALABAMA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANNISTON, AL MSA COUNTY(IES): CALHOUN	218	264	311	389	436
BIRMINGHAM, AL MSA COUNTY(IES): BLOUNT, JEFFERSON, ST CLAIR, SHELBY, WALKER	255	310	365	455	510
COLUMBUS, GA-AL MSA COUNTY(IES): RUSSELL	211	256	302	377	423
DOTHAN, AL MSA COUNTY(IES): DALE, HOUSTON	254	308	363	453	508
FLORENCE, AL MSA COUNTY(IES): COLBERT, LAUDERDALE	231	281	332	411	460
GADSDEN, AL MSA COUNTY(IES): ETOWAH	201	245	288	360	403
HUNTSVILLE, AL MSA COUNTY(IES): MADISON	256	311	366	457	512
MOBILE, AL MSA COUNTY(IES): BALDWIN, MOBILE	265	321	378	473	530
MONTGOMERY, AL MSA COUNTY(IES): AUTAUGA, ELMORE, MONTGOMERY	235	286	336	420	471
TUSCALOOSA, AL MSA COUNTY(IES): TUSCALOOSA	246	299	352	440	493

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BARBOUR	221	267	311	389	436
BIBB	179	218	257	321	359
BULLOCK	174	211	249	311	349
BUTLER	174	211	249	311	349
CHAMBERS	183	222	261	327	366
CHEROKEE	183	222	261	327	366
CHILTON	179	218	257	321	359
CHOCTAN	201	245	288	360	403
CLARKE	201	245	288	360	403
CLAY	183	222	261	327	366
CLEBURNE	183	222	261	327	366
COFFEE	221	267	311	389	436
CONECUH	201	245	288	360	403
COOSA	183	222	261	327	366
COVINGTON	221	267	311	389	436
CRENSHAW	174	211	249	311	349
CULLMAN	223	271	319	399	447
DALLAS	201	245	288	360	403
DE KALB	210	255	300	375	421
ESCAMBIA	217	263	310	387	434
FAYETTE	179	218	257	321	359
FRANKLIN	213	259	305	381	427
GENEVA	221	267	311	389	436
GREENE	179	218	257	321	359
HALE	179	218	257	321	359
HENRY	221	267	311	389	436
JACKSON	210	255	300	375	421
LAMAR	179	218	257	321	359
LAWRENCE	223	271	319	399	447
LEE	229	278	327	409	458
LIMESTONE	190	231	272	340	381
LOWNDES	174	211	249	311	349
MACON	174	211	249	311	349
MARENGO	201	245	288	360	403
MARION	213	259	305	381	427
MARSHALL	197	240	280	348	388
MONROE	201	245	288	360	403
MORGAN	223	271	319	399	447
PERRY	201	245	288	360	403
PICKENS	179	218	257	321	359
PIKE	174	211	249	311	349
RANDOLPH	183	222	261	327	366
SUMTER	201	245	288	360	403
TALLADEGA	183	222	261	327	366
TALLAPOOSA	183	222	261	327	366
WASHINGTON	201	245	288	360	403
WILCOX	201	245	288	360	403
WINSTON	213	259	305	381	427

S T A T E: ALASKA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANCHORAGE, AK MSA COUNTY(IES): ANCHORAGE	448	545	641	801	897

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALEUTIAN I.	532	646	760	950	1064
BETHEL	532	646	760	950	1064
BRISTOL BAY	532	646	760	950	1064
DILLINGHAM	532	646	760	950	1064
FAIRBKS-N.ST	438	532	626	783	877
HAINES	532	646	760	950	1064
JUNEAU	532	646	760	950	1064
KENAI-PENIN	438	532	626	783	877
KETCH-GATEWY	532	646	760	950	1064
KOBUK	532	646	760	950	1064
KODIAK ISLND	532	646	760	950	1064
MATANUSKA-SU	438	532	626	783	877
NOME	532	646	760	950	1064
NORTH SLOPE	532	646	760	950	1064
P.WLS-O.KTCH	532	646	760	950	1064
SITKA	532	646	760	950	1064
SKGWY-YKT-AN	532	646	760	950	1064
SE FAIRBANKS	438	532	626	783	877
VALDEZ-CORDO	438	532	626	783	877
WADE HAMPTON	532	646	760	950	1064
WRNGLL-PTRBR	532	646	760	950	1064
YKN-KOYKK	532	646	760	950	1064

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 120685

S T A T E: ARIZONA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PHOENIX, AZ MSA COUNTY(IES): MARICOPA	345	415	490	615	685
TUCSON, AZ MSA COUNTY(IES): PIMA	327	398	468	585	655

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
APACHE	239	290	342	427	478	COCHISE	244	296	348	435	488
COCONINO	303	368	433	541	606	GILA	246	299	352	440	492
GRAHAM	244	296	348	435	488	GREENLEE	244	296	348	435	488
MOHAUE	308	374	440	550	616	NAUAJO	239	290	342	427	478
PINAL	246	299	352	440	492	SANTA CRUZ	244	296	348	435	488
YAVAPAI	303	368	433	541	606	YUMA	308	374	440	550	616

S T A T E: ARKANSAS

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
FAYETTEVILLE-SPRINGDALE, AR MSA COUNTY(IES): WASHINGTON	238	289	340	425	476
FORT SMITH, AR-OK MSA COUNTY(IES): CRAWFORD, SEBASTIAN	231	281	331	414	463
LITTLE ROCK-NORTH LITTLE ROCK, AR MSA COUNTY(IES): FAULKNER, LONOKE, PULASKI, SALINE	275	334	393	491	550
MEMPHIS, TN-AR-MS MSA COUNTY(IES): CRITTENDEN	245	300	355	440	495
PINE BLUFF, AR MSA COUNTY(IES): JEFFERSON	229	278	328	410	459
TEXARKANA, TX-TEXARKANA, AR MSA COUNTY(IES): MILLER	227	276	325	406	455

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ARKANSAS	185	224	264	330	370	ASHLEY	185	224	264	330	370
BAXTER	220	268	315	394	441	BENTON	229	276	322	396	441
BOONE	220	268	315	394	441	BRADLEY	185	224	264	330	370
CALHOUN	186	229	267	334	372	CARROLL	220	268	315	394	441
CHICOT	185	224	264	330	370	CLARK	203	247	290	363	407
CLAY	206	251	295	369	413	CLEBURNE	216	263	309	386	433
CLEVELAND	223	270	318	398	446	COLUMBIA	186	229	267	334	372
CONWAY	190	231	272	340	380	CRAIGHEAD	206	251	295	369	413
CROSS	195	238	281	347	388	DALLAS	186	229	267	334	372
DESHA	185	224	264	330	370	DREW	185	224	264	330	370
FRANKLIN	224	272	320	400	448	FULTON	216	263	309	386	433
GARLAND	203	247	290	363	407	GRANT	223	270	318	398	446
GREENE	206	251	295	369	413	HEMPSTEAD	189	229	270	338	378
HOTSPRING	203	247	290	363	407	HOWARD	189	229	270	338	378
INDEPENDENCE	216	263	309	386	433	IZARD	216	263	309	386	433
JACKSON	216	263	309	386	433	JOHNSON	190	231	272	340	380
LAFAYETTE	189	229	270	338	378	LAWRENCE	206	251	295	369	413
LEE	195	238	281	347	388	LINCOLN	185	224	264	330	370
LITTLE RIVER	189	229	270	338	378	LOGAN	224	272	320	400	448
MADISON	220	268	315	394	441	MARION	220	268	315	394	441
MISSISSIPPI	224	272	320	400	448	MONROE	206	251	295	369	413
MONTGOMERY	203	247	290	363	407	NEVADA	189	229	270	338	378
NEWTON	220	268	315	394	441	OUACHITA	186	226	265	332	372
PERRY	190	231	272	340	380	PHILLIPS	195	238	281	347	388
PIKE	203	247	290	363	407	POINSETT	206	251	295	369	413
POLK	224	272	320	400	448	POPE	190	231	272	340	380
PRAIRIE	206	251	295	369	413	RANDOLPH	206	251	295	369	413
ST FRANCIS	195	238	281	347	388	SCOTT	224	272	320	400	448
SEARCY	220	268	315	394	441	SEVIER	189	229	270	338	378
SHARP	216	263	309	386	433	STONE	216	263	309	386	433
UNION	186	229	267	334	372	VAN BUREN	216	263	309	386	433
WHITE	216	263	309	386	433	WOODRUFF	216	263	309	386	433
YELL	190	231	272	340	380						

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 120685

S T A T E: CALIFORNIA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANAHEIM-SANTA ANA, CA PMSA COUNTY(IES): ORANGE	440	535	630	790	885
BAKERSFIELD, CA MSA COUNTY(IES): KERN	331	402	473	591	662
CHICO, CA MSA COUNTY(IES): BUTTE	290	353	415	519	581
FRESNO, CA MSA COUNTY(IES): FRESNO	302	367	432	540	605
LOS ANGELES-LONG BEACH, CA PMSA COUNTY(IES): LOS ANGELES	410	490	570	730	825
MODESTO, CA MSA COUNTY(IES): STANISLAUS	318	386	455	569	637
OAKLAND, CA PMSA COUNTY(IES): ALAMEDA, CONTRA COSTA	411	499	588	735	823
OXNARD-VENTURA, CA PMSA COUNTY(IES): VENTURA	394	478	562	703	788
REDDING, CA MSA COUNTY(IES): SHASTA	302	367	432	540	605
RIVERSIDE-SAN BERNARDINO, CA PMSA COUNTY(IES): RIVERSIDE, SAN BERNADIN	335	395	460	595	670
SACRAMENTO, CA MSA COUNTY(IES): EL DORADO, PLACER, SACRAMENTO, YOLO	298	360	425	530	590
SALINAS-SEASIDE-MONTEREY, CA MSA COUNTY(IES): MONTEREY	362	440	517	647	725
SAN DIEGO, CA MSA COUNTY(IES): SAN DIEGO	375	460	540	675	755
SAN FRANCISCO, CA PMSA COUNTY(IES): MARIN, SAN FRANCISC, SAN MATEO	495	600	710	885	990
SAN JOSE, CA PMSA COUNTY(IES): SANTA CLARA	438	532	626	782	876
SANTA BARBARA-SANTA MARIA-LOMPOC, CA MSA COUNTY(IES): SANTA BARBAR	409	497	585	732	819
SANTA CRUZ, CA PMSA COUNTY(IES): SANTA CRUZ	443	538	633	791	887
SANTA ROSA-PETALUMA, CA PMSA COUNTY(IES): SONOMA	390	473	557	696	780
STOCKTON, CA MSA COUNTY(IES): SAN JOAQUIN	279	339	399	499	558
VALLEJO-FAIRFIELD-NAPA, CA PMSA COUNTY(IES): NAPA, SOLANO	340	413	486	608	681
VISALIA-TULARE-PORTERVILLE, CA MSA COUNTY(IES): TULARE	282	343	404	505	565
YUBA CITY, CA MSA COUNTY(IES): SUTTER, YUBA	250	304	357	447	501

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALPINE	331	402	473	591	662	AMADOR	331	402	473	591	662
CALAUERAS	331	402	473	591	662	COLUSA	251	305	359	449	503
DEL NORTE	302	367	432	540	605	GLENN	251	305	359	449	503
HUMBOLDT	311	378	445	556	623	IMPERIAL	366	444	522	653	732
INYO	331	402	473	591	662	KINGS	273	332	390	488	547
LAKE	302	367	432	540	605	LASSEN	277	336	395	494	554
MADERA	273	332	390	490	547	MARIPOSA	331	402	473	591	662
MENDOCINO	302	367	432	540	605	MERCED	285	346	407	509	570
MODOC	277	336	395	494	554	MONO	331	402	473	591	662
NEVADA	428	520	612	765	856	PLUMAS	277	336	395	494	554
SAN BENITO	273	332	390	488	547	SAN LUIS OBI	375	455	536	670	750
SIERRA	428	520	612	765	856	SISKIYOU	277	336	395	494	554
TEHAMA	277	336	395	494	554	TRINITY	302	367	432	540	605
TUOLUMNE	331	402	473	591	662						

S T A T E: COLORADO	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BOULDER-LONGMONT, CO PMSA COUNTY(IES): BOULDER	373	454	534	667	747
COLORADO SPRINGS, CO MSA COUNTY(IES): EL PASO	272	330	389	486	544
DENVER, CO PMSA COUNTY(IES): ADAMS, ARAPAHOE, DENVER, DOUGLAS, JEFFERSON	355	420	495	615	690
FORT COLLINS-LOVELAND, CO MSA COUNTY(IES): LARIMER	313	380	447	559	626
GREELEY, CO MSA COUNTY(IES): WELD	271	329	387	484	542
PUEBLO, CO MSA	270	327	385	482	540

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 120685

STATE: COLORADO

COUNTY(IES): PUEBLO

NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALAMOSA	270	327	385	482	540	ARCHULETA	270	327	385	482	540
BACA	236	284	330	413	463	BENT	236	284	330	413	463
CHAFFEE	299	363	427	534	598	CHEYENNE	231	281	330	413	463
CLEAR CREEK	299	363	427	534	598	CONEJOS	270	327	385	482	540
COSTILLA	270	327	385	482	540	CROWLEY	236	284	330	413	463
CUSTER	299	363	427	534	598	DELTA	356	432	508	635	712
DELORES	270	327	385	482	540	EAGLE	356	432	508	635	712
ELBERT	231	281	330	413	463	FREMONT	299	363	427	534	598
GARFIELD	339	412	485	606	679	GILPIN	299	363	427	534	598
GRAND	356	432	508	635	712	GUNNISON	356	432	508	635	712
HINSDALE	356	432	508	635	712	HUERFANO	270	327	385	482	540
JACKSON	356	432	508	635	712	KIOWA	236	284	330	413	463
KIT CARSON	231	281	330	413	463	LAKE	299	363	427	534	598
LA PLATA	270	327	385	482	540	LAS ANIMAS	270	327	385	482	540
LINCOLN	236	284	330	413	463	LOGAN	231	281	330	413	463
MESA	339	412	485	606	679	MINERAL	270	327	385	482	540
MOFFAT	339	412	485	606	679	MONTEZUMA	270	327	385	482	540
MONTROSE	356	432	508	635	712	MORGAN	231	281	330	413	463
OTERO	236	284	330	413	463	OURAY	356	432	508	635	712
PARK	299	363	427	534	598	PHILLIPS	231	281	330	413	463
PITKIN	356	432	508	635	712	PROWERS	236	284	330	413	463
RIO BLANCO	339	412	485	606	679	RIO GRANDE	270	327	385	482	540
ROUTT	356	432	508	635	712	SAGUACHE	270	327	385	482	540
SAN JUAN	270	327	385	482	540	SAN MIGUEL	356	432	508	635	712
SEDGWICK	231	281	330	413	463	SUMMIT	356	432	508	635	712
TELLER	299	363	427	534	598	WASHINGTON	231	281	330	413	463
YUMA	231	281	330	413	463						

STATE: CONNECTICUT

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BRIDGEPORT-MILFORD, CT PMSA	317	386	454	567	635
COUNTY: FAIRFIELD TOWNS OF BRIDGEPORT, EASTON, FAIRFIELD, MONROE, SHELTON, STRATFORD, TRUMBULL					
COUNTY: NEW HAVEN TOWNS OF ANSONIA, BEACON FALLS, DERBY, MILFORD, OXFORD, SEYMOUR					
BRISTOL, CT PMSA	304	369	434	543	608
COUNTY: HARTFORD TOWNS OF BRISTOL, BURLINGTON					
COUNTY: LITCHFIELD TOWNS OF PLYMOUTH					
DANBURY, CT PMSA	386	469	552	690	773
COUNTY: FAIRFIELD TOWNS OF BETHEL, BROOKFIELD, DANBURY, NEW FAIRFIEL, NEWTOWN, REDDING, RIDGEFIELD, SHERMAN					
COUNTY: LITCHFIELD TOWNS OF BRIDGEWATER, NEW MILFORD					
HARTFORD, CT PMSA	365	445	520	655	730
COUNTY: HARTFORD TOWNS OF AVON, BLOOMFIELD, CANTON, EAST GRANBY, EAST HARTFOR, EAST WINDSOR, ENFIELD, FARMINGTON GLASTONBURY, GRANBY, HARTFORD, MANCHESTER, MARLBOROUGH, NEWINGTON, ROCKY HILL, SIMSBURY, SOUTH WINDSO SUFFIELD, WEST HARTFOR, WETHERSFIELD, WINDSOR, WINDSOR LOCK					
COUNTY: LITCHFIELD TOWNS OF BARKHAMSTED, NEW HARTFORD					
COUNTY: MIDDLESEX TOWNS OF EAST HADDAM					
COUNTY: NEW LONDON TOWNS OF COLCHESTER					
COUNTY: TOLLAND TOWNS OF ANDOVER, BOLTON, COLUMBIA, COVENTRY, ELLINGTON, HEBRON, SOMERS, STAFFORD, TOLLAND, VERNON WILLINGTON					
MIDDLETOWN, CT PMSA	308	374	440	551	617
COUNTY: MIDDLESEX TOWNS OF CROMWELL, DURHAM, EAST HAMPTON, HADDAM, MIDDLEFIELD, MIDDLETOWN, PORTLAND					
NEW BRITAIN, CT PMSA	282	343	403	504	564
COUNTY: HARTFORD TOWNS OF BERLIN, NEW BRITAIN, PLAINVILLE, SOUTHINGTON					
NEW HAVEN-MERIDEN, CT MSA	336	408	481	601	673
COUNTY: MIDDLESEX TOWNS OF CLINTON, KILLINGWORTH					
COUNTY: NEW HAVEN TOWNS OF BETHANY, BRANFORD, CHESHIRE, EAST HAVEN, GUILFORD, HAMDEN, MADISON, MERIDEN, NEW HAVEN NORTH BRANFO, NORTH HAVEN, ORANGE, WALLINGFORD, WEST HAVEN, WOODBRIDGE					
NEW LONDON-NORWICH, CT-RI MSA	302	366	431	539	604
COUNTY: NEW LONDON TOWNS OF BOZRAH, EAST LYME, FRANKLIN, GRISWOLD, GROTON, LEDYARD, LISBON, MONTVILLE, NEW LONDON NORTH STONIN, NORWICH, OLD LYME, PRESTON, SALEM, SPRAGUE, STONINGTON, WATERFORD					
COUNTY: WINDHAM TOWNS OF CANTERBURY					
NORWALK, CT PMSA	410	499	587	733	821
COUNTY: FAIRFIELD TOWNS OF NORWALK, WESTON, WESTPORT, WILTON					
STAMFORD, CT PMSA	429	522	614	767	859
COUNTY: FAIRFIELD TOWNS OF DARIEN, GREENWICH, NEW CANAAN, STAMFORD					
WATERBURY, CT MSA	289	342	403	500	558
COUNTY: LITCHFIELD TOWNS OF BETHLEHEM, THOMASTON, WATERTOWN, WOODBURY					
COUNTY: NEW HAVEN TOWNS OF MIDDLEBURY, NAUGATUCK, PROSPECT, SOUTHBURY, WATERBURY, WOLCOTT					

NONMETROPOLITAN COUNTIES OR PARTS OF COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 120685
STATE: CONNECTICUT

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 120685

STATE: CONNECTICUT

NONMETROPOLITAN COUNTIES OR PARTS OF COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
HARTFORD COUNTY TOWNS OF HARTLAND	304	369	434	543	608
LITCHFIELD COUNTY TOWNS OF CANAAN, COLEBROOK, CORNWALL, GOSHEN HARWINTON, KENT, LITCHFIELD, MORRIS, NORFOLK, NORTH CANAAN, ROXBURY, SALISBURY, SHARON, TORRINGTON, WARREN WASHINGTON, WINCHESTER	304	369	434	543	608
MIDDLESEX COUNTY TOWNS OF CHESTER, DEEP RIVER, ESSEX, OLD SAYBROOK WESTBROOK	321	390	459	574	643
NEW LONDON COUNTY TOWNS OF LEBANON, LYME, VOLUNTOWN	270	328	386	483	541
TOLLAND COUNTY TOWNS OF MANSFIELD, UNION	270	328	386	483	541
WINDHAM COUNTY TOWNS OF ASHFORD, BROOKLYN, CHAPLIN, EASTFORD, HAMPTON KILLINGLY, PLAINFIELD, POMFRET, PUTNAM, SCOTLAND, STERLING, THOMPSON, WINDHAM, WOODSTOCK	270	328	386	483	541

STATE: DELAWARE

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
WILMINGTON, DE-NJ-MD PMSA					
COUNTY(IES): NEW CASTLE	304	367	432	540	605

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KENT	256	311	366	462	512
SUSSEX	256	311	366	462	512

STATE: DIST. OF COLUMBIA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
WASHINGTON, DC-MD-VA MSA					
COUNTY(IES): WASHINGTON	370	450	530	665	745

STATE: FLORIDA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BRADENTON, FL MSA					
COUNTY(IES): MANATEE	317	385	454	567	635
DAYTONA BEACH, FL MSA					
COUNTY(IES): VOLUSIA	307	372	438	548	614
FORT LAUDERDALE-HOLLYWOOD-POMPANO BEACH, FL PMSA					
COUNTY(IES): BROWARD	356	432	508	636	712
FORT MYERS-CAPE CORAL, FL MSA					
COUNTY(IES): LEE	326	396	466	583	653
FORT PIERCE, FL MSA					
COUNTY(IES): MARTIN, ST LUCIE	326	396	466	583	653
FORT WALTON BEACH, FL MSA					
COUNTY(IES): OKALOOSA	218	265	311	389	436
GAINESVILLE, FL MSA					
COUNTY(IES): ALACHUA, BRADFORD	276	336	395	494	553
JACKSONVILLE, FL MSA					
COUNTY(IES): CLAY, DUVAL, NASSAU, ST JOHNS	289	351	413	517	579
LAKELAND-WINTER HAVEN, FL MSA					
COUNTY(IES): POLK	261	317	373	467	523
MELBOURNE-TITUSVILLE-PALM BAY, FL MSA					
COUNTY(IES): BREVARD	299	358	421	527	590
MIAMI-HIALEAH, FL PMSA					
COUNTY(IES): DADE	372	445	520	655	730
NAPLES, FL MSA					
COUNTY(IES): COLLIER	335	406	478	598	670
OCALA, FL MSA					
COUNTY(IES): MARION	241	294	344	430	482
ORLANDO, FL MSA					
COUNTY(IES): ORANGE, OSCEOLA, SEMINOLE	310	375	445	555	620
PANAMA CITY, FL MSA					
COUNTY(IES): BAY	232	282	332	415	464
PENSACOLA, FL MSA					
COUNTY(IES): ESCAMBIA, SANTA ROSA	237	288	339	424	475
SARASOTA, FL MSA					
COUNTY(IES): SARASOTA	343	417	491	613	687
TALLAHASSEE, FL MSA					
COUNTY(IES): GADSDEN, LEON	272	330	389	486	544
TAMPA-ST. PETERSBURG-CLEARWATER, FL MSA					
COUNTY(IES): HERNANDO, HILLSBOROUGH, PASCO, PINELLAS	286	347	409	511	573
WEST PALM BEACH-BOCA RATON-DELRAY BEACH, FL MSA					
COUNTY(IES): PALM BEACH	310	376	443	554	620

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BAKER	237	288	339	424	475
CALHOUN	178	216	254	318	356
CHARLOTTE	315	383	451	563	631
CITRUS	241	292	344	430	482
COLUMBIA	194	236	278	347	389
DE SOTO	227	275	324	405	454
DIXIE	194	236	278	347	389
FLAGLER	243	295	347	434	486
FRANKLIN	178	216	254	318	356
GILCHRIST	194	236	278	347	389
GLADES	315	383	451	563	631
GULF	178	216	254	318	356

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 120685

STATE: FLORIDA

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
HAMILTON	194	236	278	347	389
HENDRY	315	383	451	563	631
HOLMES	178	216	254	318	356
JACKSON	178	216	254	318	356
LAFAYETTE	194	236	278	347	389
LEVY	241	294	344	430	482
MADISON	194	236	278	347	389
OKEECHOBEE	227	275	324	405	454
SUMTER	241	292	344	430	482
TAYLOR	194	236	278	347	389
WAKULLA	178	216	254	318	356
WASHINGTON	178	216	254	318	356
HARDEE	227	275	324	405	454
HIGHLANDS	227	275	324	405	454
INDIAN RIVER	326	396	466	583	653
JEFFERSON	178	216	254	318	356
LAKE	254	308	362	453	508
LIBERTY	178	216	254	318	356
MONROE	326	396	466	583	653
PUTNAM	243	295	347	434	486
SUWANNEE	194	236	278	347	389
UNION	194	236	278	347	389
WALTON	227	275	324	405	454

STATE: GEORGIA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALBANY, GA MSA COUNTY(IES): DOUGHERTY, LEE	241	292	344	430	482
ATHENS, GA MSA COUNTY(IES): CLARKE, JACKSON, MADISON, OCONEE	249	303	357	446	499
ATLANTA, GA MSA COUNTY(IES): BARROW, BUTTS, CHEROKEE, CLAYTON, COBB, COWETA, DE KALB, DOUGLAS, FAYETTE, FORSYTH, FULTON, GWINNETT, HENRY, NEWTON, PAULDING, ROCKDALE, SPALDING, WALTON	310	375	440	550	615
AUGUSTA, GA-SC MSA COUNTY(IES): COLUMBIA, MCDUFFIE, RICHMOND	254	305	357	446	499
CHATTANOOGA, TN-GA MSA COUNTY(IES): CATOOSA, DADE, WALKER	270	328	386	483	541
COLUMBUS, GA-AL MSA COUNTY(IES): CHATTAHOOCHE, COLUMBUS	211	256	302	377	423
MACON-WARNER ROBINS, GA MSA COUNTY(IES): BIBB, HOUSTON, JONES, PEACH	224	273	321	401	449
SAVANNAH, GA MSA COUNTY(IES): CHATHAM, EFFINGHAM	254	308	363	454	508

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
APPLING	208	253	298	372	417
BACON	195	237	279	349	391
BALDWIN	198	241	284	355	397
BARTON	211	257	302	378	423
BERRIEN	206	250	294	368	412
BRANTLEY	195	237	279	349	391
BRYAN	240	279	329	411	460
BURKE	199	242	285	357	399
CAMDEN	230	279	329	411	460
CARROLL	223	271	319	399	447
CHATTOOGA	211	257	302	378	423
CLINCH	195	237	279	349	391
COLQUITT	201	244	287	358	402
CRAWFORD	230	279	329	411	460
DAWSON	190	234	272	338	375
DODGE	203	247	287	359	397
EARLY	203	247	287	359	402
ELBERT	227	275	323	400	447
EVANS	208	253	298	372	417
FLOYD	211	257	302	378	423
GILMER	226	274	322	403	452
GLYNN	230	279	329	411	460
GRADY	203	247	287	359	402
HABERSHAM	187	228	268	335	375
HANCOCK	203	247	287	359	397
HARRIS	205	250	290	360	402
HEARD	223	271	319	399	447
JASPER	203	247	287	359	397
JEFFERSON	199	242	285	357	399
JOHNSON	203	247	287	359	397
LANIER	206	250	294	368	412
LIBERTY	230	279	329	411	460
LONG	230	279	329	411	460
LUMPKIN	190	234	272	338	375
MACON	203	247	287	359	402
MERIWETHER	223	271	319	399	447
MITCHELL	203	247	287	359	402
MONTGOMERY	205	251	294	362	402
MURRAY	226	274	322	403	452
PICKENS	226	274	322	403	452
ATKINSON	195	237	279	349	391
BAKER	203	247	287	359	402
BANKS	187	228	268	335	375
BEN HILL	206	250	294	368	412
BLECKLEY	203	247	287	359	397
BROOKS	206	250	294	368	412
BULLOCH	208	253	298	372	417
CALHOUN	203	247	287	359	402
CANDLER	208	253	298	372	417
CHARLTON	203	246	287	354	391
CLAY	203	247	287	359	402
COFFEE	195	237	279	349	391
COOK	206	250	294	368	412
CRISP	201	244	287	358	402
DECATUR	203	247	287	359	402
DOOLY	203	247	287	359	402
ECHOLS	206	250	294	368	412
EMANUEL	199	242	285	357	399
FANNIN	226	274	322	403	452
FRANKLIN	187	228	268	335	375
GLASCOCK	199	242	285	357	399
GORDON	211	257	302	378	423
GREENE	223	271	319	399	447
HALL	231	281	330	413	462
HARALSON	211	257	302	378	423
HART	187	228	268	335	375
IRWIN	206	250	294	368	412
JEFF DAVIS	208	253	298	372	417
JENKINS	199	242	285	357	399
LAMAR	228	277	325	407	456
LAURENS	198	241	284	355	397
LINCOLN	199	242	285	357	399
LOWNDES	206	250	294	368	412
MCINTOSH	230	279	329	411	460
MARION	205	250	290	360	402
MILLER	203	247	287	359	402
MONROE	230	279	329	411	460
MORGAN	223	271	319	399	447
OGLETHORPE	223	271	319	399	447
PIERCE	195	237	279	349	391

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 120685

STATE: GEORGIA

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PIKE	228	277	325	407	456
PULASKI	203	247	287	359	397
QUITMAN	201	244	287	358	402
RANDOLPH	203	247	287	359	402
SCREVEN	205	251	294	362	402
STEPHENS	187	228	268	335	375
SUMTER	201	244	287	358	402
TALIAFERRO	199	242	285	357	399
TAYLOR	203	247	287	359	402
TERRELL	203	247	287	359	402
TIFT	206	250	294	368	412
TOWNS	190	234	272	338	375
TROUP	228	275	323	402	448
TWIGGS	230	279	329	411	460
UPSON	228	277	325	407	456
WARREN	199	242	285	357	399
WAYNE	208	253	298	372	417
WHEELER	203	247	287	359	397
WHITFIELD	226	274	322	403	452
WILKES	199	242	285	357	399
WORTH	203	247	287	359	402
POLK	211	259	302	378	423
PUTNAM	203	247	287	359	397
RABUN	190	234	272	338	375
SCHLEY	205	250	290	360	402
SEMINOLE	203	247	287	359	402
STEWART	205	250	290	360	402
TALBOT	201	244	287	358	402
TATTNALL	208	253	298	372	417
TELFAIR	203	247	287	359	397
THOMAS	201	244	287	358	402
TOOMBS	208	253	298	372	417
TREUTLEN	203	247	287	359	397
TURNER	206	250	294	368	412
UNION	190	234	272	338	375
WARE	195	237	279	349	391
WASHINGTON	203	247	287	359	397
WEBSTER	205	250	290	360	402
WHITE	190	234	272	338	375
WILCOX	203	247	287	359	397
WILKINSON	203	247	287	359	397

STATE: HAWAII

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
HONOLULU, HI MSA					
COUNTY(IES): HONOLULU	395	480	565	710	795

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
HAWAII	380	461	542	678	760
MAUI	380	461	542	678	760
KAUAI	380	461	542	678	760

STATE: IDAHO

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BOISE CITY, ID MSA					
COUNTY(IES): ADA	317	385	453	566	634

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAMS	247	300	353	441	494
BEAR LAKE	256	311	366	458	513
BINGHAM	258	314	366	458	513
BOISE	247	300	353	441	494
BONNEVILLE	276	335	395	493	553
BUTTE	276	335	395	493	553
CANYON	247	300	353	441	494
CASSIA	262	318	375	468	525
CLEARWATER	256	311	366	458	513
ELMORE	247	300	353	441	494
FREMONT	276	335	395	493	553
GOODING	262	318	375	468	525
JEFFERSON	276	335	395	493	553
KOOTENAI	256	311	366	458	513
LEMHI	276	335	395	493	553
LINCOLN	262	318	375	468	525
MINIDOKA	262	318	375	468	525
ONEIDA	256	311	366	458	513
PAYETTE	247	300	353	441	494
SHOSHONE	256	311	366	458	513
TWIN FALLS	262	318	375	468	525
WASHINGTON	247	300	353	441	494
BANNOCK	258	314	366	458	513
BENEWAH	256	311	366	458	513
BLAINE	262	318	375	468	525
BONNER	256	311	366	458	513
BOUNDARY	256	311	366	458	513
CAMAS	262	318	375	468	525
CARIBOU	258	314	366	458	513
CLARK	276	335	395	493	553
CUSTER	276	335	395	493	553
FRANKLIN	256	311	366	458	513
GEM	247	300	353	441	494
IDAHO	256	311	366	458	513
JEROME	262	318	375	468	525
LATAH	256	311	366	458	513
LEWIS	256	311	366	458	513
MADISON	276	335	395	493	553
NEZ PERCE	256	311	366	458	513
OWYHEE	247	300	353	441	494
POWER	258	314	366	458	513
TETON	276	335	395	493	553
VALLEY	247	300	353	441	494

STATE: ILLINOIS

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
AURORA-ELGIN, IL PMSA					
COUNTY(IES): KANE, KENDALL	325	395	465	580	650
BLOOMINGTON-NORMAL, IL MSA					
COUNTY(IES): MCLEAN	279	339	399	499	559
CHAMPAIGN-URBANA-RANTOUL, IL MSA					
COUNTY(IES): CHAMPAIGN	272	330	389	486	544
CHICAGO, IL PMSA					
COUNTY(IES): COOK, DU PAGE, MCHENRY	305	370	435	545	610
DAVENPORT-ROCK ISLAND-MOLINE, IA-IL MSA					
COUNTY(IES): HENRY, ROCK ISLAND	299	363	427	534	598
DECATUR, IL MSA	272	330	389	486	544

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 120685

S T A T E: ILLINOIS

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COUNTY(IES): MACON JOLIET, IL PMSA COUNTY(IES): GRUNDY, WILL	325	395	465	580	650
KANKAKEE, IL MSA COUNTY(IES): KANKAKEE	269	326	384	480	538
LAKE COUNTY, IL PMSA COUNTY(IES): LAKE	340	415	485	610	680
PEORIA, IL MSA COUNTY(IES): PEORIA, TAZEWELL, WOODFORD	314	382	449	562	629
ROCKFORD, IL MSA COUNTY(IES): BOONE, WINNEBAGO	285	347	408	510	571
ST. LOUIS, MO-IL MSA COUNTY(IES): CLINTON, JERSEY, MADISON, MONROE, ST CLAIR	275	335	395	495	555
SPRINGFIELD, IL MSA COUNTY(IES): MENARD, SANGAMON	286	348	409	512	573

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAMS	213	258	304	380	426
BOND	234	285	335	419	469
BUREAU	259	315	371	464	519
CARROLL	241	292	344	430	482
CHRISTIAN	246	299	351	439	492
CLAY	220	267	314	393	440
CRANFORD	220	267	314	393	440
DE KALB	280	340	400	501	561
DOUGLAS	234	285	335	419	469
EDWARDS	213	258	304	380	426
FAYETTE	220	267	314	393	440
FRANKLIN	249	302	356	445	498
GALLATIN	197	239	282	352	394
HAMILTON	213	258	304	380	426
HARDIN	197	239	282	352	394
IROQUOIS	244	296	348	436	488
JASPER	220	267	314	393	440
JO DAVIESS	241	292	344	430	482
KNOX	252	306	360	451	505
LAWRENCE	220	267	314	393	440
LIVINGSTON	244	296	348	436	488
MCDONOUGH	234	284	332	412	457
MARION	220	267	314	393	440
MASON	244	293	346	427	476
MERCER	228	277	326	408	457
MORGAN	244	293	346	427	476
OGLE	241	292	344	430	482
PIATT	234	285	335	419	469
POPE	197	239	282	352	394
PUTNAM	259	315	371	464	519
RICHLAND	220	267	314	393	440
SCHUYLER	213	258	304	380	426
SHELBY	246	299	351	439	492
STEPHENSON	241	292	344	430	482
VERMILION	244	296	348	436	488
WARREN	234	284	332	412	457
WAYNE	213	258	304	380	426
WHITESIDE	294	357	420	525	588

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALEXANDER	197	239	282	352	394
BROWN	213	258	304	380	426
CALHOUN	238	289	340	425	476
CASS	244	293	346	427	476
CLARK	234	285	335	419	469
COLES	234	285	335	419	469
CUMBERLAND	234	285	335	419	469
DE WITT	234	285	335	419	469
EDGAR	234	285	335	419	469
EFFINGHAM	220	267	314	393	440
FORD	244	296	348	436	488
FULTON	259	315	371	464	519
GREENE	238	289	340	425	476
HANCOCK	228	277	326	408	457
HENDERSON	228	277	326	408	457
JACKSON	249	302	356	445	498
JEFFERSON	213	258	304	380	426
JOHNSON	197	239	282	352	394
LA SALLE	294	357	420	525	588
LEE	294	357	420	525	588
LOGAN	244	293	346	427	476
MACOUPIN	246	299	351	439	492
MARSHALL	259	315	371	464	519
MASSAC	197	239	282	352	394
MONTGOMERY	246	299	351	439	492
MOULTRIE	246	299	351	439	492
PERRY	234	285	335	419	469
PIKE	213	258	304	380	426
PULASKI	197	239	282	352	394
RANDOLPH	234	285	335	419	469
SALINE	197	239	282	352	394
SCOTT	244	293	346	427	476
STARK	259	315	371	464	519
UNION	197	239	282	352	394
WABASH	213	258	304	380	426
WASHINGTON	234	285	335	419	469
WHITE	213	258	304	380	426
WILLIAMSON	249	302	356	445	498

S T A T E: INDIANA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANDERSON, IN MSA COUNTY(IES): MADISON	235	286	336	420	471
BLOOMINGTON, IN MSA COUNTY(IES): MONROE	254	308	363	454	508
CINCINNATI, OH-KY-IN PMSA COUNTY(IES): DEARBORN	250	305	360	450	500
ELKHART-GOSHEN, IN MSA COUNTY(IES): ELKHART	248	301	354	443	496
EVANSVILLE, IN-KY MSA COUNTY(IES): POSEY, VANDERBURGH, WARRICK	262	310	364	456	510
FORT WAYNE, IN MSA COUNTY(IES): ALLEN, DE KALB, WHITLEY	262	314	367	460	510
GARY-HAMMOND, IN PMSA COUNTY(IES): LAKE, PORTER	293	355	418	523	586
INDIANAPOLIS, IN MSA COUNTY(IES): BOONE, HAMILTON, HANCOCK, HENDRICKS, JOHNSON, MARION, MORGAN, SHELBY	255	310	365	455	510
KOKOMO, IN MSA	259	315	370	463	519

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 120685

STATE: INDIANA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COUNTY(IES): HOWARD, TIPTON					
LAFAYETTE-WEST LAFAYETTE, IN MSA					
COUNTY(IES): TIPPECANOE	274	333	391	489	548
LOUISVILLE, KY-IN MSA					
COUNTY(IES): CLARK, FLOYD, HARRISON	240	291	340	425	475
MUNCIE, IN MSA					
COUNTY(IES): DELAWARE	226	272	319	396	443
SOUTH BEND-MISHAWAKA, IN MSA					
COUNTY(IES): ST JOSEPH	256	309	361	448	498
TERRE HAUTE, IN MSA					
COUNTY(IES): CLAY, VIGO	232	282	330	409	454

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAMS	231	279	326	407	456	BARTHOLOMEW	261	317	373	467	523
BENTON	221	269	317	396	443	BLACKFORD	209	254	299	373	418
BROWN	261	317	373	467	523	CARROLL	221	269	317	396	443
CASS	214	260	306	383	429	CLINTON	221	269	317	396	443
CRAWFORD	191	232	273	342	383	DAVIESS	215	261	308	385	431
DECATUR	261	317	373	467	523	DUBOIS	191	232	273	342	383
FAYETTE	225	271	317	396	443	FOUNTAIN	221	269	317	396	443
FRANKLIN	225	271	317	396	443	FULTON	214	260	306	383	429
GIBSON	248	301	354	443	496	GRANT	209	254	299	373	418
GREENE	215	261	308	385	431	HENRY	209	254	299	373	418
HUNTINGTON	228	277	326	407	456	JACKSON	261	317	373	467	523
JASPER	231	280	330	413	462	JAY	209	254	299	373	418
JEFFERSON	248	301	354	443	496	JENNINGS	261	317	373	467	523
KNOX	221	265	308	385	431	KOSCIUSKO	237	286	337	415	462
LAGRANGE	237	287	338	422	473	LA PORTE	251	305	358	448	502
LAWRENCE	215	261	308	385	431	MARSHALL	231	280	330	413	462
MARTIN	215	261	308	385	431	MIAMI	214	260	306	383	429
MONTGOMERY	221	269	317	396	443	NEWTON	231	280	330	413	462
NOBLE	236	287	338	422	473	OHIO	248	301	354	443	496
ORANGE	191	232	273	342	383	OWEN	253	307	361	452	506
PARKE	221	269	317	396	443	PERRY	191	232	273	342	383
PIKE	248	301	354	443	496	PULASKI	231	280	330	413	462
PUTNAM	221	269	317	396	443	RANDOLPH	209	254	299	373	418
RIPLEY	248	301	354	443	496	RUSH	221	269	317	396	443
SCOTT	270	328	385	482	540	SPENCER	191	232	273	342	383
STARKE	231	280	330	413	462	STEUBEN	236	287	338	422	473
SULLIVAN	221	269	317	396	443	SWITZERLAND	248	301	354	443	496
UNION	225	271	317	396	443	VERMILLION	229	277	324	403	446
WABASH	214	260	306	383	429	WARREN	221	269	317	396	443
WASHINGTON	256	311	366	458	513	WAYNE	226	272	319	396	443
WELLS	233	280	327	409	456	WHITE	221	269	317	396	443

STATE: IOWA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CEDAR RAPIDS, IA MSA					
COUNTY(IES): LINN	291	353	415	519	582
DAVENPORT-ROCK ISLAND-MOLINE, IA-IL MSA					
COUNTY(IES): SCOTT	299	363	427	534	598
DES MOINES, IA MSA					
COUNTY(IES): DALLAS, POLK, WARREN	290	352	414	518	580
DUBUQUE, IA MSA					
COUNTY(IES): DUBUQUE	269	326	384	480	538
IOWA CITY, IA MSA					
COUNTY(IES): JOHNSON	305	371	436	546	611
OMAHA, NE-IA MSA					
COUNTY(IES): POTTAWATTAMI	265	321	378	473	530
SIOUX CITY, IA-NE MSA					
COUNTY(IES): WOODBURY	262	319	375	469	525
WATERLOO-CEDAR FALLS, IA MSA					
COUNTY(IES): BLACK HAWK, BREMER	292	354	417	521	584

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAIR	221	268	316	395	442	ADAMS	221	268	316	395	442
ALLAMAKEE	233	283	333	417	467	APPANOOSE	221	268	316	395	442
AUDUBON	234	285	335	419	469	BENTON	286	348	409	512	573
BOONE	266	323	380	475	532	BUCHANAN	233	283	333	417	467
BUENA VISTA	229	278	327	409	459	BUTLER	233	283	333	417	467
CALHOUN	234	285	335	419	469	CARROLL	234	285	335	419	469
CASS	240	291	342	428	480	CEDAR	260	316	372	465	521
CERRO GORDO	231	281	330	413	463	CHEROKEE	234	285	335	419	469
CHICKASAW	233	283	333	417	467	CLARKE	221	268	316	395	442

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 120685

STATE: IOWA

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CLAY	229	278	327	409	459
CLINTON	260	316	372	465	521
DAVIS	221	268	316	395	442
DELAWARE	260	316	372	465	521
DICKINSON	229	278	327	409	459
FAYETTE	233	283	333	417	467
FRANKLIN	231	281	330	413	463
GREENE	234	285	335	419	469
GUTHRIE	234	285	335	419	469
HANCOCK	231	281	330	413	463
HARRISON	240	291	342	428	480
HOWARD	233	283	333	417	467
IDA	234	285	335	419	469
JACKSON	260	316	372	465	521
JEFFERSON	221	268	316	395	442
KEOKUK	221	268	316	395	442
LEE	245	297	350	437	490
LUCAS	221	268	316	395	442
MADISON	247	300	353	441	494
MARION	247	300	353	441	494
MILLS	240	291	342	428	480
MONONA	234	285	335	419	469
MONTGOMERY	240	291	342	428	480
O BRIEN	229	278	327	409	459
PAGE	240	291	342	428	480
PLYMOUTH	234	285	335	419	469
POWESHIEK	243	295	347	434	486
SAC	234	285	335	419	469
SIOUX	229	278	327	409	459
TAMA	243	295	347	434	486
UNION	221	268	316	395	442
WAPELLO	221	268	316	395	442
WAYNE	221	268	316	395	442
WINNEBAGO	231	281	330	413	463
WORTH	231	281	330	413	463

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CLAYTON	233	283	333	417	467
CRAWFORD	234	285	335	419	469
DECATUR	221	268	316	395	442
DES MOINES	245	297	350	437	490
EMMET	229	278	327	409	459
FLOYD	231	281	330	413	463
FREMONT	240	291	342	428	480
GRUNDY	233	283	333	417	467
HAMILTON	234	285	335	419	469
HARDIN	243	295	347	434	486
HENRY	245	297	350	437	490
HUMBOLDT	234	285	335	419	469
IOWA	286	348	409	512	573
JASPER	247	300	353	441	494
JONES	286	348	409	512	573
KOSSUTH	231	281	330	413	463
LOUISA	245	297	350	437	490
LYON	229	278	327	409	459
MAHASKA	221	268	316	395	442
MARSHALL	243	295	347	434	486
MITCHELL	231	281	330	413	463
MONROE	221	268	316	395	442
MUSCATINE	245	297	350	437	490
OSCEOLA	229	278	327	409	459
PALO ALTO	229	278	327	409	459
POCAHONTAS	234	285	335	419	469
RINGGOLD	221	268	316	395	442
SHELBY	240	291	342	428	480
STORY	266	323	380	475	532
TAYLOR	221	268	316	395	442
VAN BUREN	221	268	316	395	442
WASHINGTON	286	348	409	512	573
WEBSTER	234	285	335	419	469
WINNESHIEK	233	283	333	417	467
WRIGHT	234	285	335	419	469

STATE: KANSAS

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KANSAS CITY, MO-KS MSA COUNTY(IES): JOHNSON, LEAVENWORTH, MIAMI, WYANDOTTE	280	340	400	500	560
LAWRENCE, KS MSA COUNTY(IES): DOUGLAS	292	354	417	521	584
TOPEKA, KS MSA COUNTY(IES): SHAWNEE	265	322	378	473	530
WICHITA, KS MSA COUNTY(IES): BUTLER, SEDGWICK	285	345	410	510	570

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALLEN	185	224	264	330	370
ATCHISON	213	258	304	380	426
BARTON	214	260	306	382	428
BROWN	213	258	304	380	426
CHAUTAUQUA	185	224	264	330	370
CHEYENNE	187	227	267	334	374
CLAY	233	284	334	417	467
COFFEY	233	284	334	417	467
COWLEY	185	224	264	330	370
DECATUR	187	227	267	334	374
DONIPHAN	213	258	304	380	426
ELK	185	224	264	330	370
ELLSWORTH	231	281	331	414	463
FORD	220	267	314	393	440
GEARY	233	284	334	417	467
GRAHAM	187	227	267	334	374
GRAY	220	267	314	393	440
GREENWOOD	233	284	334	417	467
HARPER	214	260	306	382	428
HASKELL	220	267	314	393	440
JACKSON	213	258	304	380	426
JEWELL	231	281	331	414	463
KINGMAN	214	260	306	382	428
LABETTE	196	238	280	350	393
LINCOLN	231	281	331	414	463
LOGAN	187	227	267	334	374

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANDERSON	185	224	264	330	370
BARBER	214	260	306	382	428
BOURBON	185	224	264	330	370
CHASE	233	284	334	417	467
CHEROKEE	196	238	280	350	393
CLARK	220	267	314	393	440
CLOUD	231	281	331	414	463
COMANCHE	214	260	306	382	428
CRAWFORD	196	238	280	350	393
DICKINSON	233	284	334	417	467
EDWARDS	214	260	306	382	428
ELLIS	187	227	267	334	374
FINNEY	220	267	314	393	440
FRANKLIN	275	334	393	492	551
GOVE	187	227	267	334	374
GRANT	220	267	314	393	440
GREELEY	220	267	314	393	440
HAMILTON	220	267	314	393	440
HARVEY	246	299	352	440	492
HODGEMAN	220	267	314	393	440
JEFFERSON	259	315	371	464	519
KEARNY	220	267	314	393	440
KIOWA	214	260	306	382	428
LANE	220	267	314	393	440
LINN	185	224	264	330	370
LYON	233	284	334	417	467

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 120685

STATE: KANSAS

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MCPHERSON	246	299	352	440	492
MARSHALL	233	284	334	417	467
MITCHELL	231	281	331	414	463
MORRIS	233	284	334	417	467
NEMAHA	213	258	304	380	426
NESS	220	267	314	393	440
OSAGE	259	315	371	464	519
OTTAWA	231	281	331	414	463
PHILLIPS	187	227	267	334	374
PRATT	214	260	306	382	428
RENO	246	299	352	440	492
RICE	246	299	352	440	492
ROOKS	187	227	267	334	374
RUSSELL	187	227	267	334	374
SCOTT	220	267	314	393	440
SHERIDAN	187	227	267	334	374
SMITH	187	227	267	334	374
STANTON	220	267	314	393	440
SUMNER	214	260	306	382	428
TREGO	187	227	267	334	374
WALLACE	187	227	267	334	374
WICHITA	220	267	314	393	440
WOODSON	185	224	264	330	370

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MARION	233	284	334	417	467
MEADE	220	267	314	393	440
MONTGOMERY	196	238	280	350	393
MORTON	220	267	314	393	440
NEOSHO	196	238	280	350	393
NORTON	187	227	267	334	374
OSBORNE	187	227	267	334	374
PAWNEE	214	260	306	382	428
POTTAWATOMIE	233	284	334	417	467
RAWLINS	187	227	267	334	374
REPUBLIC	231	281	331	414	463
RILEY	233	284	334	417	467
RUSH	214	260	306	382	428
SALINE	231	281	331	414	463
SEWARD	220	267	314	393	440
SHERMAN	187	227	267	334	374
STAFFORD	214	260	306	382	428
STEVENS	220	267	314	393	440
THOMAS	187	227	267	334	374
WABAUNSEE	233	284	334	417	467
WASHINGTON	231	281	331	414	463
WILSON	185	224	264	330	370

S T A T E: KENTUCKY

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CINCINNATI, OH-KY-IN PMSA					
COUNTY(IES): BOONE, CAMPBELL, KENTON	250	305	360	450	500
CLARKSVILLE-HOPKINSVILLE, TN-KY MSA					
COUNTY(IES): CHRISTIAN	250	303	357	446	500
EVANSVILLE, IN-KY MSA					
COUNTY(IES): HENDERSON	262	310	364	456	510
HUNTINGTON-ASHLAND, WV-KY-OH MSA					
COUNTY(IES): BOYD, CARTER, GREENUP	266	323	380	475	533
LEXINGTON-FAYETTE, KY MSA					
COUNTY(IES): BOURBON, CLARK, FAYETTE, JESSAMINE, SCOTT, WOODFORD	280	340	400	501	561
LOUISVILLE, KY-IN MSA					
COUNTY(IES): BULLITT, JEFFERSON, OLDHAM, SHELBY	240	291	340	425	475
OWENSBORO, KY MSA					
COUNTY(IES): DAVIESS	258	314	369	462	517

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAIR	206	251	293	361	404
ANDERSON	257	313	368	460	515
BARREN	174	211	248	310	348
BELL	224	272	320	400	448
BRACKEN	206	250	295	369	413
BRECKINRIDGE	203	247	290	363	406
CALDWELL	221	269	317	396	443
CARLISLE	211	256	301	376	422
CASEY	202	245	289	361	404
CLINTON	206	251	293	361	404
CUMBERLAND	206	251	293	361	404
ELLIOTT	230	280	329	411	461
FLEMING	206	250	295	369	413
FRANKLIN	257	313	368	460	515
GALLATIN	264	320	377	472	528
GRANT	264	320	377	472	528
GRAYSON	203	247	290	363	406
HANCOCK	255	310	365	456	511
HARLAN	224	272	320	400	448
HART	174	211	248	310	348
HICKMAN	211	256	301	376	422
JACKSON	190	231	271	339	380
KNOTT	212	257	303	378	424
LARUE	203	247	290	363	406
LAWRENCE	230	280	329	411	461
LESLIE	212	257	303	378	424
LEWIS	206	250	295	369	413
LIVINGSTON	232	282	332	415	465
LYON	232	282	332	415	465
MCCREARY	206	251	293	361	404
MADISON	250	303	360	446	500
MARION	203	247	290	363	406

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALLEN	174	211	248	310	348
BALLARD	211	256	301	376	422
BATH	206	250	295	369	413
BOYLE	250	303	357	446	500
BREATHITT	212	257	303	378	424
BUTLER	174	211	248	310	348
CALLOWAY	211	256	301	376	422
CARROLL	264	320	377	472	528
CLAY	190	231	271	339	380
CRITTENDON	221	269	317	396	443
EDMONSON	174	211	248	310	348
ESTILL	250	303	357	446	500
FLOYD	225	273	321	402	450
FULTON	211	256	301	376	422
GARRARD	250	303	357	446	500
GRAVES	211	256	301	376	422
GREEN	206	251	293	361	404
HARDIN	230	280	329	411	461
HARRISON	214	260	306	382	428
HENRY	229	278	327	409	459
HOPKINS	221	269	317	396	443
JOHNSON	225	273	321	402	450
KNOX	190	231	271	339	380
LAUREL	190	231	271	339	380
LEE	212	257	303	378	424
LETCHER	212	257	303	378	424
LINCOLN	250	303	357	446	500
LOGAN	222	270	318	398	445
MCCRACKEN	221	259	305	376	422
MCLEAN	255	310	365	456	511
MAGOFFIN	225	273	321	402	450
MARSHALL	221	259	305	376	422

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 120685

STATE: KENTUCKY

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MARTIN	225	273	321	402	450
MEADE	230	280	329	411	461
MERCER	257	313	368	460	515
MONROE	174	211	248	310	348
MORGAN	206	251	295	369	413
NELSON	203	247	290	363	406
OHIO	255	310	365	456	511
OWSLEY	212	257	303	378	424
PERRY	212	257	303	378	424
POWELL	214	260	306	382	428
ROBERTSON	206	250	295	369	413
ROWAN	206	250	295	369	413
SIMPSON	222	270	318	398	445
TAYLOR	206	251	293	361	404
TRIGG	232	282	332	415	465
UNION	255	310	365	456	511
WASHINGTON	203	247	290	363	406
WEBSTER	255	310	365	456	511
WOLFE	212	257	303	378	424

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MASON	206	250	295	369	413
MENIFEE	206	251	295	369	413
METCALFE	174	211	248	310	348
MONTGOMERY	206	250	295	369	413
MUHLENBERG	221	269	317	396	443
NICHOLAS	214	260	306	382	428
OWEN	264	320	377	472	528
PENDLETON	264	320	377	472	528
PIKE	225	273	321	402	450
PULASKI	206	251	293	361	404
ROCKCASTLE	190	231	271	339	380
RUSSELL	202	245	289	361	404
SPENCER	229	278	327	409	459
TODD	232	282	332	415	465
TRIMBLE	229	278	327	409	459
WARREN	222	270	318	398	445
WAYNE	206	251	293	361	404
WHITLEY	224	272	320	400	448

S T A T E: LOUISIANA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALEXANDRIA, LA MSA					
COUNTY(IES): RAPIDES	235	285	336	420	470
BATON ROUGE, LA MSA					
COUNTY(IES): ASCENSION, E BATON ROUG, LIVINGSTON, W BATON ROUG	295	358	421	526	590
HOUMA-THIBODAUX, LA MSA					
COUNTY(IES): LAFOURCHE, TERREBONNE	261	317	373	466	522
LAFAYETTE, LA MSA					
COUNTY(IES): LAFAYETTE, ST MARTIN	295	358	421	526	590
LAKE CHARLES, LA MSA					
COUNTY(IES): CALCASIEU	238	286	334	416	466
MONROE, LA MSA					
COUNTY(IES): OUACHITA	234	284	334	418	468
NEW ORLEANS, LA MSA					
COUNTY(IES): JEFFERSON, ORLEANS, ST BERNARD, ST CHARLES, ST JOHN THE, ST TAMMANY	325	395	465	580	650
SHREVEPORT, LA MSA					
COUNTY(IES): BOSSIER, CADDO	266	323	381	476	533

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ACADIA	203	247	289	362	405
ASSUMPTION	246	298	351	439	492
BEAUREGARD	204	248	292	366	409
CALDWELL	137	167	196	245	275
CATAHOULA	200	243	286	358	401
CONCORDIA	200	243	286	358	401
EAST CARROLL	137	167	196	245	275
EVANGELINE	194	235	277	346	388
GRANT	200	243	286	358	401
IBERVILLE	168	204	240	300	336
JEFFERSON DA	204	248	292	366	409
LINCOLN	209	254	299	373	418
MOREHOUSE	137	167	196	245	275
PLAQUEMINES	352	428	503	629	705
RED RIVER	209	254	299	373	418
SABINE	209	254	299	373	418
ST JAMES	246	298	351	439	492
ST MARY	239	291	342	428	479
TENSAS	137	167	196	245	275
VERMILION	203	247	289	362	405
WASHINGTON	189	230	271	338	379
WEST CARROLL	137	167	196	245	275
WINN	200	243	286	358	401

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALLEN	204	248	292	366	409
AVOYELLES	200	243	286	358	401
BIENVILLE	209	254	299	373	418
CAMERON	204	248	292	366	409
CLAIBORNE	209	254	299	373	418
DE SOTO	209	254	299	373	418
E FELICIANA	168	204	240	300	336
FRANKLIN	137	167	196	245	275
IBERIA	239	291	342	428	479
JACKSON	137	167	196	245	275
LA SALLE	200	243	286	358	401
MADISON	137	167	196	245	275
NATCHITOCHES	209	254	299	373	418
POINTE COUPE	168	204	240	300	336
RICHLAND	137	167	196	245	275
ST HELENA	168	204	240	300	336
ST LANDRY	194	235	277	346	388
TANGIPAHOA	189	230	271	338	379
UNION	137	167	196	245	275
VERNON	200	243	286	358	401
WEBSTER	257	312	367	459	514
W FELICIANA	168	204	240	300	336

S T A T E: MAINE

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BANGOR, ME MSA					
COUNTY: PENOBSCOT TOWNS OF BANGOR, BREWER, EDDINGTON, GLENBURN, HAMPDEN, HERMON, HOLDEN, KENDUSKEAG, OLD TOWN, ORONO ORRINGTON, PENOBSCOT IN, VEAZIE	272	331	389	487	545
COUNTY: WALDO TOWNS OF WINTERPORT					
LEWISTON-AUBURN, ME MSA	228	277	326	407	456
COUNTY: ANDROSCOGGIN TOWNS OF AUBURN, GREENE, LEWISTON, LISBON, MECHANIC FAL, POLAND, SABATTUS					
PORTLAND, ME MSA	311	378	445	556	623

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 120685

S T A T E: MAINE	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COUNTY: CUMBERLAND TOWNS OF CAPE ELIZABE, CUMBERLAND, FALMOUTH, FREEPORT, GORHAM, GRAY, NORTH YARMOU, PORTLAND, RAYMOND SCARBOROUGH, SOUTH PORTLA, STANDISH, WESTBROOK, WINDHAM, YARMOUTH					
COUNTY: YORK TOWNS OF BUXTON, HOLLIS, OLD ORCHARD PORTSMOUTH-DOVER-ROCHESTER, NH-ME MSA	305	370	431	531	595
COUNTY: YORK TOWNS OF BERWICK, ELIOT, KITTERY, NORTH BERWIC, SOUTH BERWIC, WELLS, YORK					

NONMETROPOLITAN COUNTIES OR PARTS OF COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANDROSCOGGIN COUNTY TOWNS OF DURHAM, LEEDS, LIVERMORE, LIVERMORE FA MINOT, TURNER, WALES	222	270	318	397	445
AROOSTOOK COUNTY	219	266	313	392	439
CUMBERLAND COUNTY TOWNS OF BALDWIN, BRIDGTON, BRUNSWICK, CASCO HARPSWELL, HARRISON, NAPLES, NEW GLOUCEST, POWNAL, SEBAGO	280	340	400	496	553
FRANKLIN COUNTY	222	270	318	397	445
HANCOCK COUNTY	266	315	370	461	515
KENNEBEC COUNTY	261	307	361	452	506
KNOX COUNTY	257	312	367	459	515
LINCOLN COUNTY	253	307	361	452	506
OXFORD COUNTY	222	270	318	397	445
PENOBSCOT COUNTY TOWNS OF ALTON, ARGYLE, BRADFORD, BRADLEY, BURLINGTON CARMEL, CARROLL, CHARLESTON, CHESTER, CLIFTON, CORINNA, CORINTH, DEXTER, DIXMONT, DREW, EAST MILLINO, EDINBURG ENFIELD, ETNA, EXETER, GARLAND, GRAND FALLS, GREENBUSH, GREENFIELD, HOWLAND, HUDSON, KINGMAN, LAGRANGE, LAKEVILLE LEE, LEVANT, LINCOLN, LOWELL, MATTAWAMKEAG, MAXFIELD, MEDWAY, MILFORD, MILLINOCKET, MOUNT CHASE, NEWBURGH, NEWPORT NORTH PENOBS, PASSADUMKEAG, PATTEN, PLYMOUTH, PRENTISS, SEBOEIS, SPRINGFIELD, STACYVILLE, STETSON, SUMMIT, TWOMBLY WEBSTER, WHITNEY, WINN, WOODVILLE	261	315	367	459	515
PISCATAQUIS COUNTY	219	266	313	392	439
SAGADAHOC COUNTY	253	307	361	452	506
SOMERSET COUNTY	253	307	361	452	506
WALDO COUNTY TOWNS OF BELFAST, BELMONT, BROOKS, BURNHAM, FRANKFORT FREEDOM, ISLESBORO, JACKSON, KNOX, LIBERTY, LINCOLNVILLE, MONROE, MONTVILLE, MORRILL, NORTHPORT, PALERMO, PROSPECT SEARSMONT, SEARSPORT, STOCKTON SPR, SWANVILLE, THORNDIKE, TROY, UNITY, WALDO	257	312	367	459	515
WASHINGTON COUNTY	257	312	367	459	515
YORK COUNTY TOWNS OF ACTON, ALFRED, ARUNDEL, BIDDEFORD, CORNISH, DAYTON KENNEBUNK, KENNEBUNKPOR, LEBANON, LIMERICK, LIMINGTON, LYMAN, NEWFIELD, PARSONSFIELD, SACO, SANFORD, SHAPLEIGH WATERBORO	273	332	391	489	547

S T A T E: MARYLAND	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BALTIMORE, MD MSA	290	350	415	515	580
COUNTY(IES): ANNE ARUNDEL, BALTIMORE, CARROLL, HARFORD, HOWARD, QUEEN ANNES, BALTIMORE					
COLUMBIA, MD	400	485	570	690	765
COUNTY(IES): COLUMBIA					
CUMBERLAND, MD-WV MSA	200	243	286	358	401
COUNTY(IES): ALLEGANY					
HAGERSTOWN, MD MSA	256	311	366	458	513
COUNTY(IES): WASHINGTON					
WASHINGTON, DC-MD-VA MSA	370	450	530	665	745
COUNTY(IES): CALVERT, CHARLES, FREDERICK, MONTGOMERY, PRINCE GEORG					
WILMINGTON, DE-NJ-MD PMSA	304	367	432	540	605
COUNTY(IES): CECIL					

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CAROLINE	258	310	365	456	511	DORCHESTER	265	322	379	474	531
GARRETT	205	250	294	367	411	KENT	255	310	365	456	511
ST MARYS	283	344	405	507	567	SOMERSET	265	322	379	474	531
TALBOT	255	310	365	456	511	WICOMICO	265	322	379	474	531
WORCESTER	267	326	379	474	531						

S T A T E: MASSACHUSETTS	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BOSTON, MA PMSA	400	485	570	715	800
COUNTY: BRISTOL TOWNS OF MANSFIELD, NORTON, RAYNHAM					
COUNTY: ESSEX TOWNS OF LYNN, LYNNFIELD, NAHANT, SAUGUS					
COUNTY: MIDDLESEX TOWNS OF ACTON, ARLINGTON, ASHLAND, AYER, BEDFORD, BELMONT, BOXBOROUGH, BURLINGTON, CAMBRIDGE, CARLISLE CONCORD, EVERETT, FRAMINGHAM, GROTON, HOLLISTON, HOPKINTON, HUDSON, LEXINGTON, LINCOLN, LITTLETON, MALDEN MARLBOROUGH, MAYNARD, MEDFORD, MELROSE, NATICK, NEWTON, NORTH READIN, READING, SHERBORN, SHIRLEY SOMERVILLE, STONEHAM, STOW, SUDBURY, TOWNSEND, WAKEFIELD, WALTHAM, WATERTOWN, WAYLAND, WESTON, WILMINGTON WINCHESTER, WOBURN					
COUNTY: NORFOLK TOWNS OF BELLINGHAM, BRAINTREE, BROOKLINE, CANTON, COHASSET, DEDHAM, DOVER, FOXBOROUGH, FRANKLIN, HOLBROOK MEDFIELD, MEDWAY, MILLIS, MILTON, NEEDHAM, NORFOLK, NORWOOD, QUINCY, RANDOLPH, SHARON, STOUGHTON, WALPOLE WELLESLEY, WESTWOOD, WEYMOUTH, WRENTHAM					

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 120685

S T A T E: MASSACHUSETTS	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COUNTY: PLYMOUTH TOWNS OF CARVER, DUXBURY, HANOVER, HANSON, HINGHAM, HULL, KINGSTON, LAKEVILLE, MARSHFIELD, MIDDLEBOROUG NORWELL, PEMBROKE, PLYMOUTH, PLYMPTON, ROCKLAND, SCITUATE					
COUNTY: SUFFOLK TOWNS OF BOSTON, CHELSEA, REVERE, WINTHROP					
COUNTY: WORCESTER TOWNS OF BERLIN, BOLTON, HARVARD, HOPEDALE, LANCASTER, MENDON, MILFORD, SOUTHBOROUGH, UPTON					
BROCKTON, MA PMSA	355	431	507	633	710
COUNTY: BRISTOL TOWNS OF EASTON					
COUNTY: NORFOLK TOWNS OF AVON					
COUNTY: PLYMOUTH TOWNS OF ABINGTON, BRIDGEWATER, BROCKTON, EAST BRIDGEW, HALIFAX, WEST BRIDGEW, WHITMAN					
FALL RIVER, MA-RI PMSA	203	246	290	362	406
COUNTY: BRISTOL TOWNS OF FALL RIVER, SOMERSET, SWANSEA, WESTPORT					
FITCHBURG-LEOMINSTER, MA MSA	260	316	372	465	521
COUNTY: MIDDLESEX TOWNS OF ASHBY					
COUNTY: WORCESTER TOWNS OF ASHBURNHAM, FITCHBURG, LEOMINSTER, LUNENBURG, WESTMINSTER					
LAWRENCE-HAVERHILL, MA-NH PMSA	336	408	480	601	673
COUNTY: ESSEX TOWNS OF AMESBURY, ANDOVER, BOXFORD, GEORGETOWN, GROVELAND, HAVERHILL, LAWRENCE, MERRIMAC, METHUEN, NEWBURY NEWBURYPORT, NORTH ANDOVE, SALISBURY, WEST NEWBURY					
LOWELL, MA-NH PMSA	315	383	451	564	631
COUNTY: MIDDLESEX TOWNS OF BILLERICA, CHELMSFORD, DRACUT, DUNSTABLE, LOWELL, PEPPERELL, TEWKSBURY, TYNGSBOROUGH, WESTFORD					
NEW BEDFORD, MA MSA	240	291	342	428	480
COUNTY: BRISTOL TOWNS OF ACUSHNET, DARTMOUTH, FAIRHAVEN, FREETOWN, NEW BEDFORD					
COUNTY: PLYMOUTH TOWNS OF MARION, MATTAPOISETT, ROCHESTER					
PAWTUCKET-WOONSOCKET-ATTLEBORO, RI-MA PMSA	259	315	370	463	519
COUNTY: BRISTOL TOWNS OF ATTLEBORO, NORTH ATTLEB, REHOBOTH, SEEKONK					
COUNTY: NORFOLK TOWNS OF PLAINVILLE					
COUNTY: WORCESTER TOWNS OF BLACKSTONE, MILLVILLE					
PITTSFIELD, MA MSA	267	324	381	477	534
COUNTY: BERKSHIRE TOWNS OF CHESHIRE, DALTON, HINSDALE, LANESBOROUGH, LEE, LENOX, PITTSFIELD, RICHMOND, STOCKBRIDGE					
SALEM-GLOUCESTER, MA PMSA	378	459	540	675	756
COUNTY: ESSEX TOWNS OF BEVERLY, DANVERS, ESSEX, GLOUCESTER, HAMILTON, IPSWICH, MANCHESTER, MARBLEHEAD, MIDDLETON, PEABODY ROCKPORT, ROWLEY, SALEM, SWAMPSCOTT, TOPSFIELD, WENHAM					
SPRINGFIELD, MA MSA	282	342	403	504	564
COUNTY: HAMPDEN TOWNS OF AGAWAM, CHICOPEE, EAST LONGMEA, HAMPDEN, HOLYOKE, LONGMEADOW, LUDLOW, MONSON, MONTGOMERY, PALMER RUSSELL, SOUTHWICK, SPRINGFIELD, WESTFIELD, WEST SPRINGF, WILBRAHAM					
COUNTY: HAMPSHIRE TOWNS OF BELCHERTOWN, EASTHAMPTON, GRANBY, HUNTINGTON, NORTHAMPTON, SOUTHAMPTON, SOUTH HADLEY					
WORCESTER, MA MSA	280	340	400	500	560
COUNTY: WORCESTER TOWNS OF AUBURN, BARRE, BOYLSTON, BROOKFIELD, CHARLTON, CLINTON, DOUGLAS, DUDLEY, EAST BROOKFI, GRAFTON HOLDEN, LEICESTER, MILLBURY, NORTHBOROUGH, NORTHBRIDGE, NORTH BROOKF, OXFORD, PAXTON, PRINCETON, RUTLAND SHREWSBURY, SPENCER, STERLING, SUTTON, UXBRIDGE, WEBSTER, WESTBOROUGH, WEST BOYLSTO, WORCESTER					

NONMETROPOLITAN COUNTIES OR PARTS OF COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BARNSTABLE COUNTY	329	399	470	587	658
BERKSHIRE COUNTY TOWNS OF ADAMS, ALFORD, BECKET, CLARKSBURG, EGREMONT	249	303	356	446	499
FLORIDA, GREAT BARRIN, HANCOCK, MONTEREY, MOUNT WASHIN, NEW ASHFORD, NEW MARLBORO, NORTH ADAMS, OTIS, PERU					
SANDISFIELD, SAVOY, SHEFFIELD, TYRINGHAM, WASHINGTON, WEST STOCKBR, WILLIAMSTOWN, WINDSOR					
BRISTOL COUNTY TOWNS OF BERKLEY, DIGHTON, TAUNTON	295	358	422	527	590
DUKES COUNTY	329	399	470	587	658
FRANKLIN COUNTY	293	356	419	523	586
HAMPDEN COUNTY TOWNS OF BLANDFORD, BRIMFIELD, CHESTER, GRANVILLE	293	356	419	523	586
HOLLAND, TOLLAND, WALES					
HAMPSHIRE COUNTY TOWNS OF AMHERST, CHESTERFIELD, CUMMINGTON, GOSHEN	293	356	419	523	586
HADLEY, HATFIELD, MIDDLEFIELD, PELHAM, PLAINFIELD, WARE, WESTHAMPTON, WILLIAMSBURG, WORTHINGTON					
NANTUCKET COUNTY	329	399	470	587	658
PLYMOUTH COUNTY TOWNS OF WAREHAM	295	358	422	527	590
WORCESTER COUNTY TOWNS OF ATHOL, GARDNER, HARDWICK, HUBBARDSTON	257	312	367	459	514
NEW BRAINTRE, OAKHAM, PETERSHAM, PHILLIPSTON, ROYALSTON, SOUTHBRIDGE, STURBRIDGE, TEMPLETON, WARREN, WEST BROOKFI					
WINCHENDON					

S T A T E: MICHIGAN	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANN ARBOR, MI PMSA	351	426	502	627	702
COUNTY(IES): WASHTENAW					
BATTLE CREEK, MI MSA	244	296	348	436	488
COUNTY(IES): CALHOUN					
BENTON HARBOR, MI MSA	271	329	387	484	542
COUNTY(IES): BERRIEN					
DETROIT, MI PMSA	287	345	403	502	560
COUNTY(IES): LAPEER, LIVINGSTON, MACOMB, MONROE, OAKLAND, ST CLAIR, WAYNE					
FLINT, MI MSA	257	312	368	460	515
COUNTY(IES): GENESEE					
GRAND RAPIDS, MI MSA	240	295	345	430	485
COUNTY(IES): KENT, OTTAWA					
JACKSON, MI MSA	268	325	383	478	536

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S T A T E: MICHIGAN

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COUNTY(IES): JACKSON					
KALAMAZOO, MI MSA					
COUNTY(IES): KALAMAZOO	280	336	395	485	542
LANSING-EAST LANSING, MI MSA					
COUNTY(IES): CLINTON, EATON, INGHAM	293	352	412	511	571
MUSKEGON, MI MSA					
COUNTY(IES): MUSKEGON	238	290	341	426	477
SAGINAW-BAY CITY-MIDLAND, MI MSA					
COUNTY(IES): BAY, MIDLAND, SAGINAW	265	320	375	470	525

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALCONA	213	259	305	382	427	ALGER	210	255	301	376	421
ALLEGAN	247	300	353	441	494	ALPENA	213	259	305	382	427
ANTRIM	266	323	380	475	532	ARENAC	234	285	335	419	469
BARAGA	218	264	311	389	436	BARRY	249	302	356	445	498
BENZIE	266	323	380	475	532	BRANCH	249	302	356	445	498
CASS	242	293	345	432	484	CHARLEVOIX	266	323	380	475	532
CHEBOYGAN	213	259	305	382	427	CHIPPEWA	210	255	301	376	421
CLARE	234	285	335	419	469	CRAWFORD	213	259	305	382	427
DELTA	210	255	301	376	421	DICKINSON	218	264	311	389	436
EMMET	266	323	380	475	532	GLADWIN	234	285	335	419	469
GOGEBIC	218	264	311	389	436	GRD TRAVERSE	266	323	380	475	532
GRATIOT	267	324	381	477	534	HILLSDALE	265	321	378	473	530
HOUGHTON	218	264	311	389	436	HURON	240	291	342	428	480
IONIA	250	301	355	442	494	IOSCO	234	285	335	419	469
IRON	218	264	311	389	436	ISABELLA	267	324	381	477	534
KALKASKA	266	323	380	475	532	KEWEENAW	218	264	311	389	436
LAKE	245	297	350	437	490	LEELANAU	266	323	380	475	532
LENAWEE	265	321	378	473	530	LUCE	210	255	301	376	421
MACKINAC	210	255	301	376	421	MANISTEE	266	323	380	475	532
MARQUETTE	266	323	380	475	532	MASON	245	297	350	437	490
MECOSTA	245	297	350	437	490	MENOMINEE	266	323	380	475	532
MISSAUKEE	266	323	380	475	532	MONTCALM	247	300	353	441	494
MONTMORENCY	213	259	305	382	427	NEWAYGO	245	297	350	437	490
OCEANA	237	288	339	424	475	OGEMAW	234	285	335	419	469
ONTONAGON	218	264	311	389	436	OSCEOLA	245	297	350	437	490
OSCODA	213	259	305	382	427	OTSEWO	213	259	305	382	427
PRESQUE ISLE	213	259	305	382	427	ROSCOMMON	234	285	335	419	469
ST JOSEPH	249	302	356	445	498	SANILAC	240	291	342	428	480
SCHOOLCRAFT	210	255	301	376	421	SHIAWASSEE	264	320	377	471	528
TUSCOLA	240	291	342	428	480	VAN BUREN	242	293	345	432	484
WEXFORD	266	323	380	475	532						

S T A T E: MINNESOTA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DULUTH, MN-WI MSA					
COUNTY(IES): ST LOUIS	270	322	379	474	531
FARGO-MOORHEAD, ND-MN MSA					
COUNTY(IES): CLAY	272	331	389	487	545
MINNEAPOLIS-ST. PAUL, MN-WI MSA					
COUNTY(IES): ANOKA, CARVER, CHISAGO, DAKOTA, HENNEPIN, ISANTI, RAMSEY, SCOTT, WASHINGTON, WRIGHT	335	405	480	600	670
ROCHESTER, MN MSA					
COUNTY(IES): OLMSTED	286	347	409	511	572
ST. CLOUD, MN MSA					
COUNTY(IES): BENTON, SHERBURNE, STEARNS	273	331	389	487	545

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
AITKIN	245	298	351	439	491	BECKER	244	297	349	437	489
BELTRAMI	235	286	336	420	471	BIG STONE	218	265	312	391	437
BLUE EARTH	255	310	364	455	510	BROWN	232	282	332	415	464
CARLTON	247	300	351	439	491	CASS	230	279	329	411	460
CHIPPEWA	218	265	312	391	437	CLEARWATER	235	286	336	420	471
COOK	245	298	351	439	491	COTTONWOOD	218	265	312	391	437
CROW WING	230	279	329	411	460	DODGE	269	327	385	481	539
DOUGLAS	244	297	349	437	489	FARIBAULT	232	282	332	415	464
FILLMORE	226	274	323	404	452	FREEBORN	266	323	381	476	533
GOODHUE	269	327	385	481	539	GRANT	244	297	349	437	489
HOUSTON	226	274	323	404	452	HUBBARD	235	286	336	420	471
ITASCA	247	300	351	439	491	JACKSON	225	271	317	394	438
KANABEC	245	298	351	439	491	KANDIYOHI	257	312	367	459	514
KITTSON	235	286	336	420	471	KOOCHICHING	245	298	351	439	491
LAC QUI PARL	218	265	312	391	437	LAKE	245	298	351	439	491
LAKE OF WOOD	235	286	336	420	471	LE SUEUR	255	310	364	456	510
LINCOLN	225	271	317	394	438	LYON	225	271	317	394	438

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 120685

STATE: MINNESOTA

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MCLEOD	257	312	367	459	514
MARSHALL	235	286	336	420	471
MEEKER	257	312	367	459	514
MORRISON	230	279	329	411	460
MURRAY	225	271	317	394	438
NOBLES	225	271	317	394	438
OTTER TAIL	244	297	349	437	489
PINE	245	298	351	439	491
POLK	235	286	336	420	471
RED LAKE	235	286	336	420	471
RENVILLE	257	312	367	459	514
ROCK	225	271	317	394	438
SIBLEY	255	310	364	455	510
STEVENS	244	297	349	437	489
TODD	230	279	329	411	460
WABASHA	269	327	385	481	539
WASECA	232	282	332	415	464
WILKIN	244	297	349	437	489
YELLOW MEDIC	218	265	312	391	437
MAHNOMEN	235	286	336	420	471
MARTIN	232	282	332	415	464
MILLE LACS	245	298	351	439	491
MOWER	226	274	323	404	452
NICOLLET	255	310	364	455	510
NORMAN	235	286	336	420	471
PENNINGTON	235	286	336	420	471
PIPESTONE	225	271	317	394	438
POPE	244	297	349	437	489
REDWOOD	218	265	312	391	437
RICE	266	323	381	476	533
ROSEAU	235	286	336	420	471
STEELE	266	323	381	476	533
SWIFT	218	265	312	391	437
TRAVERSE	244	297	349	437	489
WADENA	230	279	329	411	460
WATONWAN	232	282	332	415	464
WINONA	227	274	323	404	452

S T A T E: MISSISSIPPI

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BILOXI-GULFPORT, MS MSA					
COUNTY(IES): HANCOCK, HARRISON	235	285	336	420	470
JACKSON, MS MSA					
COUNTY(IES): HINDS, MADISON, RANKIN	298	362	426	533	597
MEMPHIS, TN-AR-MS MSA					
COUNTY(IES): DE SOTO	245	300	355	440	495
PASCAGOULA, MS MSA					
COUNTY(IES): JACKSON	256	310	365	457	512

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAMS	171	207	244	305	342
AMITE	171	207	244	305	342
BENTON	192	234	275	344	385
CALHOUN	225	273	322	402	454
CHICKASAW	232	273	322	405	451
CLAIBORNE	171	207	244	305	342
CLAY	222	258	303	379	425
COPIAH	244	296	348	435	488
FORREST	223	271	319	398	446
GEORGE	174	211	249	311	348
GRENADA	172	209	245	307	344
HUMPHREYS	198	240	283	354	396
ITAWAMBA	211	256	302	377	422
JEFFERSON	171	207	244	305	342
JONES	174	211	249	311	348
LAFAYETTE	225	273	322	402	451
LAUDERDALE	221	268	316	395	442
LEAKE	190	231	272	340	381
LEFLORE	172	209	245	307	344
LOWNDES	212	258	303	379	425
MARSHALL	192	234	275	344	385
MONTGOMERY	172	209	245	307	344
NEWTON	190	231	272	340	381
OKTIBBEHA	212	258	303	379	425
PEARL RIVER	223	271	319	398	449
PIKE	171	207	244	305	342
PRENTISS	192	234	275	344	385
SCOTT	190	231	272	340	381
SIMPSON	244	296	348	435	488
STONE	223	272	319	404	446
TALLAHATCHIE	207	251	295	369	414
TIPPAH	192	234	275	344	385
TUNICA	207	251	295	369	414
WALTHALL	171	207	244	305	342
WASHINGTON	198	240	283	354	396
WEBSTER	222	258	303	379	425
WINSTON	222	258	303	379	425
YAZOO	251	305	359	449	503
ALCORN	192	234	275	344	385
ATTALA	172	209	245	307	344
BOLIVAR	198	240	283	354	396
CARROLL	172	209	245	307	344
CHOCTAW	222	258	303	379	425
CLARKE	223	270	316	395	442
COAHOMA	207	251	295	369	414
COVINGTON	174	211	249	311	348
FRANKLIN	171	207	244	305	342
GREENE	174	211	249	311	348
HOLMES	172	209	245	307	344
ISSAQUENA	198	240	283	354	396
JASPER	223	270	316	395	442
JEFFERSON DA	174	211	249	311	348
KEMPER	223	270	316	395	442
LAMAR	223	271	319	398	446
LAWRENCE	171	207	244	305	342
LEE	211	256	302	377	422
LINCOLN	171	207	244	305	342
MARION	223	271	319	398	446
MONROE	211	256	302	377	422
NESHOBA	190	231	272	340	381
NOXUBEE	212	258	303	379	425
PANOLA	207	251	295	369	414
PERRY	174	211	249	311	348
PONTOTOC	232	273	322	405	451
QUITMAN	207	251	295	369	414
SHARKEY	198	240	283	354	396
SMITH	190	231	272	340	381
SUNFLOWER	198	240	283	354	396
TATE	207	251	295	369	414
TISHOMIGO	192	234	275	344	385
UNION	232	273	322	405	451
WARREN	251	305	359	449	503
WAYNE	174	211	249	311	348
WILKINSON	171	207	244	305	342
YALOBUSHA	172	209	245	307	344

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 120685

S T A T E: MISSOURI	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COLUMBIA, MO MSA					
COUNTY(IES): BOONE	267	324	382	477	535
JOPLIN, MO MSA					
COUNTY(IES): JASPER, NEWTON	206	251	295	369	413
KANSAS CITY, MO-KS MSA					
COUNTY(IES): CASS, CLAY, JACKSON, LAFAYETTE, PLATTE, RAY	280	340	400	500	560
ST. JOSEPH, MO MSA					
COUNTY(IES): BUCHANEN	219	266	313	391	438
ST. LOUIS, MO-IL MSA					
COUNTY(IES): FRANKLIN, JEFFERSON, ST CHARLES, ST LOUIS, ST. LOUIS	275	335	395	495	555
SPRINGFIELD, MO MSA					
COUNTY(IES): CHRISTIAN, GREENE	229	279	328	410	459

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAIR	209	253	298	373	418	ANDREW	219	266	313	391	438
ATCHISON	198	241	283	354	397	AUDRAIN	232	281	331	414	464
BARRY	193	234	276	345	386	BARTON	188	228	268	335	376
BATES	188	228	268	335	376	BENTON	188	228	268	335	376
BOLLINGER	221	269	316	395	443	BUTLER	182	222	264	329	368
CALDWELL	198	241	284	354	397	CALLAWAY	232	281	331	414	464
CAMDEN	211	256	301	376	422	CAPE GIRARDE	221	269	316	395	443
CARROLL	203	247	291	363	407	CARTER	182	222	264	329	368
CEDAR	188	228	268	335	376	CHARITON	203	247	291	363	407
CLARK	209	253	298	373	418	CLINTON	198	241	283	354	397
COLE	232	281	331	414	464	COOPER	232	281	331	414	464
CRAWFORD	202	246	289	362	405	DADE	193	234	276	345	386
DALLAS	193	234	276	345	386	DAVIESS	198	241	284	354	397
DE KALB	198	241	283	354	397	DENT	202	246	289	362	405
DOUGLAS	182	222	261	326	365	DUNKLIN	182	222	261	326	365
GASCONADE	202	246	289	362	405	GENTRY	198	241	283	354	397
GRUNDY	209	253	298	373	418	HARRISON	198	241	284	354	397
HENRY	188	228	268	335	376	HICKORY	188	228	268	335	376
HOLT	198	241	283	354	397	HOWARD	232	281	331	414	464
HOWELL	182	222	261	326	365	IRON	221	269	316	395	443
JOHNSON	205	247	291	363	407	KNOX	209	253	298	373	418
LACLEDE	211	256	301	376	422	LAWRENCE	193	234	276	345	386
LEWIS	207	250	295	368	408	LINCOLN	202	246	289	362	405
LINN	209	253	298	373	418	LIVINGSTON	209	253	298	373	418
MCDONALD	193	234	276	345	386	MACON	202	246	289	362	405
MADISON	221	269	316	395	443	MARIES	202	246	289	362	405
MARION	207	250	295	368	408	MERCER	198	241	284	354	397
MILLER	211	256	301	376	422	MISSISSIPPI	182	222	261	326	365
MONITEAU	232	281	331	414	464	MONROE	202	246	289	362	405
MONTGOMERY	202	246	289	362	405	MORGAN	211	256	301	376	422
NEW MADRID	182	222	261	326	365	NODAWAY	205	241	291	354	397
OREGON	182	222	261	326	365	OSAGE	232	281	331	414	464
OZARK	182	222	261	326	365	PEMISCOT	182	222	261	326	365
PERRY	221	269	316	395	443	PETTIS	203	247	291	363	407
PHELPS	202	246	289	362	405	PIKE	202	246	289	362	405
POLK	193	234	276	345	386	PULASKI	211	256	301	376	422
PUTNAM	209	253	298	373	418	RALLS	207	250	295	368	408
RANDOLPH	202	246	289	362	405	REYNOLDS	182	222	261	326	365
RIPLEY	182	222	264	329	368	ST CLAIR	188	228	268	335	376
STE GENEVIEV	221	269	316	395	443	ST FRANCOIS	221	269	316	395	443
SALINE	203	247	291	363	407	SCHUYLER	209	253	298	373	418
SCOTLAND	209	253	298	373	418	SCOTT	182	222	261	326	365
SHANNON	182	222	261	326	365	SHELBY	202	246	289	362	405
STODDARD	182	222	261	326	365	STONE	193	234	276	345	386
SULLIVAN	209	253	298	373	418	TANEY	193	234	276	345	386
TEXAS	182	222	261	326	365	VERNON	188	228	268	335	376
WARREN	202	246	289	362	405	WASHINGTON	202	246	289	362	405
WAYNE	182	222	264	329	368	WEBSTER	193	234	276	345	386
WORTH	198	241	283	354	397	WRIGHT	182	222	261	326	365

S T A T E: MONTANA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BILLINGS, MT MSA					
COUNTY(IES): YELLOWSTONE	305	371	437	546	611
GREAT FALLS, MT MSA					
COUNTY(IES): CASCADE	263	320	377	471	527

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BEAVERHEAD	262	319	375	469	525	BIG HORN	247	300	353	442	495
BLAINE	245	297	350	437	490	BROADWATER	262	319	375	469	525

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 120685

STATE: MONTANA

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CARBON	247	300	353	442	495
CHOUTEAU	245	297	350	437	490
DANIELS	245	297	350	437	490
DEER LODGE	262	319	375	469	525
FERGUS	247	300	353	442	495
GALLATIN	262	319	375	469	525
GLACIER	245	297	350	437	490
GRANITE	262	319	375	469	525
JEFFERSON	262	319	375	469	525
LAKE	268	326	383	479	537
LIBERTY	245	297	350	437	490
MCCONE	247	300	353	442	495
MEAGHER	262	319	375	469	525
MISSOULA	268	326	383	479	537
PARK	262	319	375	469	525
PHILLIPS	245	297	350	437	490
POWDER RIVER	247	300	353	442	495
PRAIRIE	247	300	353	442	495
RICHLAND	247	300	353	442	495
ROSEBUD	247	300	353	442	495
SHERIDAN	245	297	350	437	490
STILLWATER	247	300	353	442	495
TETON	245	297	350	437	490
TREASURE	247	300	353	442	495
WHEATLAND	247	300	353	442	495
YL-ST-NT-PK	262	319	375	469	525

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CARTER	247	300	353	442	495
CUSTER	247	300	353	442	495
DAWSON	247	300	353	442	495
FALLON	247	300	353	442	495
FLATHEAD	268	326	383	479	537
GARFIELD	247	300	353	442	495
GOLDEN VALLE	247	300	353	442	495
HILL	245	297	350	437	490
JUDITH BASIN	247	300	353	442	495
LEWIS+ CLARK	262	319	375	469	525
LINCOLN	268	326	383	479	537
MADISON	262	319	375	469	525
MINERAL	268	326	383	479	537
MUSSELSHELL	247	300	353	442	495
PETROLEUM	247	300	353	442	495
PONDERA	245	297	350	437	490
POWELL	262	319	375	469	525
RAVALLI	268	326	383	479	537
ROOSEVELT	245	297	350	437	490
SANDERS	268	326	383	479	537
SILVER BOW	262	319	375	469	525
SWEET GRASS	247	300	353	442	495
TOOLE	245	297	350	437	490
VALLEY	245	297	350	437	490
WIBAUX	247	300	353	442	495

S T A T E: NEBRASKA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LINCOLN, NE MSA COUNTY(IES): LANCASTER	269	327	385	482	539
OMAHA, NE-IA MSA COUNTY(IES): DOUGLAS, SARPY, WASHINGTON	265	321	378	473	530
SIOUX CITY, IA-NE MSA COUNTY(IES): DAKOTA	262	319	375	469	525

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAMS	241	293	345	431	483
ARTHUR	204	248	291	364	408
BLAINE	198	240	282	353	396
BOX BUTTE	198	240	282	353	396
BROWN	198	240	282	353	396
BURT	216	263	309	387	433
CASS	213	259	305	381	427
CHASE	204	248	291	364	408
CHEYENNE	198	240	282	353	396
COLFAX	216	263	309	387	433
CUSTER	198	240	282	353	396
DAWSON	204	248	291	364	408
DIXON	234	284	335	418	469
DUNDY	204	248	291	364	408
FRANKLIN	241	293	345	431	483
FURNAS	204	248	291	364	408
GARDEN	198	240	282	353	396
GOSPER	204	248	291	364	408
GREELEY	198	240	282	353	396
HAMILTON	241	293	345	431	483
HAYES	204	248	291	364	408
HOLT	202	247	290	360	402
HOWARD	241	293	345	431	483
JOHNSON	213	259	305	381	427
KEITH	204	248	291	364	408
KIMBALL	198	240	282	353	396
LINCOLN	204	248	291	364	408
LOUP	198	240	282	353	396
MADISON	234	284	335	418	469
MORRILL	198	240	282	353	396
NEMAHA	213	259	305	381	427
OTOE	213	259	305	381	427
PERKINS	204	248	291	364	408
PIERCE	234	284	335	418	469
POLK	213	259	305	381	427
RICHARDSON	213	259	305	381	427
SALINE	213	259	305	381	427

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANTELOPE	234	284	335	418	469
BANNER	198	240	282	353	396
BOONE	216	263	309	387	433
BOYD	198	240	282	353	396
BUFFALO	241	293	345	431	483
BUTLER	213	259	305	381	427
CEDAR	234	284	335	418	469
CHERRY	198	240	282	353	396
CLAY	241	293	345	431	483
CUMING	216	263	309	387	433
DAWES	198	240	282	353	396
DEUEL	198	240	282	353	396
DODGE	216	263	309	387	433
FILLMORE	213	259	305	381	427
FRONTIER	204	248	291	364	408
GAGE	213	259	305	381	427
GARFIELD	198	240	282	353	396
GRANT	204	248	291	364	408
HALL	241	293	345	431	483
HARLAN	241	293	345	431	483
HITCHCOCK	204	248	291	364	408
HOOKER	204	248	291	364	408
JEFFERSON	213	259	305	381	427
KEARNEY	241	293	345	431	483
KEYA PAHA	202	247	290	360	402
KNOX	234	284	335	418	469
LOGAN	204	248	291	364	408
MCPHERSON	204	248	291	364	408
MERRICK	241	293	345	431	483
NANCE	216	263	309	387	433
NUCKOLLS	241	293	345	431	483
PAWNEE	213	259	305	381	427
PHELPS	241	293	345	431	483
PLATTE	216	263	309	387	433
RED WILLOW	204	248	291	364	408
ROCK	202	247	290	360	402
SAUNDERS	213	259	305	381	427

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 120685

STATE: NEBRASKA

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SCOTTS BLUFF	198	240	282	353	396	SEWARD	213	259	305	381	427
SHERIDAN	198	240	282	353	396	SHERMAN	198	240	282	353	396
SIOUX	198	240	282	353	396	STANTON	234	284	335	418	469
THAYER	213	259	305	381	427	THOMAS	204	248	291	364	408
THURSTON	216	263	309	387	433	VALLEY	198	240	282	353	396
WAYNE	234	284	335	418	469	WEBSTER	241	293	345	431	483
WHEELER	198	240	282	353	396	YORK	213	259	305	381	427

STATE: NEVADA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LAS VEGAS, NV MSA COUNTY(IES): CLARK	367	445	524	655	734
RENO, NV MSA COUNTY(IES): WASHOE	452	549	646	808	905

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHURCHILL	322	388	456	570	639	DOUGLAS	322	388	456	570	639
ELKO	322	388	456	570	639	ESMERALDA	319	388	456	570	639
EUREKA	319	388	456	570	639	HUMBOLDT	322	388	456	570	639
LANDER	322	388	456	570	639	LINCOLN	319	388	456	570	639
LYON	322	388	456	570	639	MINERAL	322	388	456	570	639
NYE	319	388	456	570	639	PERSHING	322	388	456	570	639
STOREY	322	388	456	570	639	WHITE PINE	319	388	456	570	639
CARSON CITY	322	388	456	570	639						

STATE: NEW HAMPSHIRE

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LAWRENCE-HAVERHILL, MA-NH PMSA COUNTY: ROCKINGHAM TOWNS OF ATKINSON, BRENTWOOD, DANVILLE, DERRY, EAST KINGSTO, HAMPSTEAD, KINGSTON, NEWTON, PLAISTOW SALEM, SANDOWN, SEABROOK, WINDHAM	336	408	480	601	673
LOWELL, MA-NH PMSA COUNTY: HILLSBOROUGH TOWNS OF PELHAM	315	383	451	564	631
MANCHESTER, NH MSA COUNTY: HILLSBOROUGH TOWNS OF BEDFORD, GOFFSTOWN, MANCHESTER COUNTY: MERRIMACK TOWNS OF ALLENSTOWN, HOOKSETT COUNTY: ROCKINGHAM TOWNS OF AUBURN, CANDIA	294	357	420	525	588
NASHUA, NH PMSA COUNTY: HILLSBOROUGH TOWNS OF AMHERST, BROOKLINE, HOLLIS, HUDSON, LITCHFIELD, MERRIMACK, MILFORD, MONT VERNON, NASHUA WILTON COUNTY: ROCKINGHAM TOWNS OF LONDONDERRY	388	471	554	693	776
PORTSMOUTH-DOVER-ROCHESTER, NH-ME MSA COUNTY: ROCKINGHAM TOWNS OF EXETER, GREENLAND, HAMPTON, NEW CASTLE, NEWFIELDS, NEWINGTON, NEWMARKET, NORTH HAMPTO PORTSMOUTH, RYE, STRATHAM COUNTY: STRAFFORD TOWNS OF BARRINGTON, DOVER, DURHAM, FARMINGTON, LEE, MADBURY, MILTON, ROCHESTER, ROLLINSFORD SOMERSWORTH	305	370	431	531	595

NONMETROPOLITAN COUNTIES OR PARTS OF COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BELKNAP COUNTY	298	359	418	518	580
CARROLL COUNTY	274	333	392	490	549
CHESHIRE COUNTY	293	356	419	523	586
COOS COUNTY	274	333	392	490	549
GRAFTON COUNTY	298	359	418	518	580
HILLSBOROUGH COUNTY TOWNS OF ANTRIM, BENNINGTON, DEERING, FRANCESTOWN GREENFIELD, GREENVILLE, HANCOCK, HILLSBOROUGH, LYNDEBOROUGH, MASON, NEW BOSTON, NEW IPSWICH, PETERBOROUGH, SHARON TEMPLE, WEARE, WINDSOR	293	358	419	523	586
MERRIMACK COUNTY TOWNS OF ANDOVER, BOSCAWEN, BOW, BRADFORD, CANTERBURY CHICHESTER, CONCORD, DANBURY, DUNBARTON, EPSOM, FRANKLIN, HENNIKER, HILL, HOPKINTON, LOUDON, NEWBURY, NEW LONDON NORTHFIELD, PEMBROKE, PITTSFIELD, SALISBURY, SUTTON, WARNER, WEBSTER, WILMOT	290	352	414	518	580
ROCKINGHAM COUNTY TOWNS OF CHESTER, DEERFIELD, EPPING, FREMONT HAMPTON FALL, KENSINGTON, NORTHWOOD, NOTTINGHAM, RAYMOND, SOUTH HAMPTO	348	423	498	622	697
STRAFFORD COUNTY TOWNS OF MIDDLETON, NEW DURHAM, STRAFFORD	290	352	414	518	580
SULLIVAN COUNTY	298	359	419	523	586

STATE: NEW JERSEY

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALLENTOWN-BETHLEHEM, PA-NJ MSA COUNTY(IES): WARREN	272	330	385	485	540
ATLANTIC CITY, NJ MSA COUNTY(IES): ATLANTIC, CAPE MAY	324	394	463	579	649
BERGEN-PASSAIC, NJ PMSA COUNTY(IES): BERGEN, PASSAIC	445	540	640	800	895
JERSEY CITY, NJ PMSA COUNTY(IES): HUDSON	295	359	422	528	591
MIDDLESEX-SOMERSET-HUNTERDON, NJ PMSA	370	450	529	662	741

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 120685

S T A T E: NEW JERSEY	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COUNTY(IES): HUNTERDON, MIDDLESEX, SOMERSET					
MONMOUTH-OCEAN, NJ PMSA	339	411	484	605	678
COUNTY(IES): MONMOUTH, OCEAN					
NEWARK, NJ PMSA	323	385	450	565	630
COUNTY(IES): ESSEX, MORRIS, SUSSEX, UNION					
PHILADELPHIA, PA-NJ PMSA	310	375	440	550	615
COUNTY(IES): BURLINGTON, CAMDEN, GLOUCESTER					
TRENTON, NJ PMSA	388	471	554	693	776
COUNTY(IES): MERCER					
VINELAND-MILLVILLE-BRIDGETON, NJ PMSA	311	378	445	556	623
COUNTY(IES): CUMBERLAND					
WILMINGTON, DE-NJ-MD PMSA	304	367	432	540	605
COUNTY(IES): SALEM					

S T A T E: NEW MEXICO	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALBUQUERQUE, NM MSA	308	374	440	550	616
COUNTY(IES): BERNALILLO					
LAS CRUCES, NM MSA	244	297	349	437	489
COUNTY(IES): DONA ANA					
SANTA FE, NM MSA	358	435	512	640	717
COUNTY(IES): LOS ALAMOS, SANTE FE					

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CATRON	221	268	316	395	442	CHAVES	240	291	343	428	480
COLFAX	228	277	326	407	456	CURRY	228	277	326	407	456
DE BACA	228	277	326	407	456	EDDY	264	321	378	472	529
GRANT	221	268	316	395	442	GUADALUPE	228	277	326	407	456
HARDING	228	277	326	407	456	HIDALGO	221	268	316	395	442
LEA	264	321	378	472	529	LINCOLN	240	291	343	428	480
LUNA	221	268	316	395	442	MCKINLEY	306	372	438	548	613
MORA	228	277	326	407	456	OTERO	240	291	343	428	480
QUAY	228	277	326	407	456	RIO ARRIBA	322	391	460	575	644
ROOSEVELT	228	277	326	407	456	SANDOVAL	306	372	438	548	613
SAN JUAN	306	372	438	548	613	SAN MIGUEL	228	277	326	407	456
SIERRA	240	291	343	428	480	SOCORRO	240	291	343	428	480
TAOS	322	391	460	575	644	TORRANCE	228	277	326	407	456
UNION	228	277	326	407	456	VALENCIA	221	268	316	395	442

S T A T E: NEW YORK	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALBANY-SCHENECTADY-TROY, NY MSA	275	330	390	490	545
COUNTY(IES): ALBANY, GREENE, MONTGOMERY, RENSSELAER, SARATOGA, SCHENECTADY					
BINGHAMTON, NY MSA	231	280	330	413	462
COUNTY(IES): BROOME, TIOGA					
BUFFALO, NY PMSA	211	257	302	378	423
COUNTY(IES): ERIE					
ELMIRA, NY MSA	251	305	359	449	503
COUNTY(IES): CHEMUNG					
GLENS FALLS, NY MSA	259	315	370	463	519
COUNTY(IES): WARREN, WASHINGTON					
NASSAU-SUFFOLK, NY PMSA	403	490	576	720	807
COUNTY(IES): NASSAU, SUFFOLK					
NEW YORK, NY PMSA	330	400	470	590	660
COUNTY(IES): BRONX, KINGS, NEW YORK, PUTNAM, QUEENS, RICHMOND, ROCKLAND, WESTCHESTER					
NIAGARA FALLS, NY PMSA	229	279	328	410	459
COUNTY(IES): NIAGARA					
ORANGE COUNTY, NY PMSA	303	368	433	541	606
COUNTY(IES): ORANGE					
POUGHKEEPSIE, NY MSA	333	404	476	595	666
COUNTY(IES): DUTCHESS					
ROCHESTER, NY MSA	295	360	425	530	590
COUNTY(IES): LIVINGSTON, MONROE, ONTARIO, ORLEANS, WAYNE					
SYRACUSE, NY MSA	260	311	364	455	510
COUNTY(IES): MADISON, ONONDAGA, OSWEGO					
UTICA-ROME, NY MSA	226	275	324	405	453
COUNTY(IES): HERKIMER, ONEIDA					

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALLEGANY	222	266	311	389	436	CATTARAUGUS	218	265	311	389	436
CAYUGA	259	315	370	463	519	CHAUTAUQUA	233	283	333	416	466
CHENANGO	256	311	366	457	512	CLINTON	235	286	336	420	471
COLUMBIA	244	296	349	436	488	CORTLAND	266	323	380	475	532

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 120685

STATE: NEW YORK

STATE: NEW YORK

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DELAWARE	238	290	341	426	477
FRANKLIN	235	286	336	420	471
GENESEE	241	292	344	430	482
JEFFERSON	253	307	361	451	506
OTSEGO	238	290	341	426	477
SCHOHARIE	238	290	341	426	477
SENECA	259	315	370	463	519
SULLIVAN	238	290	341	426	477
ULSTER	304	369	434	542	608
YATES	270	328	386	482	540

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ESSEX	236	286	336	420	471
FULTON	211	257	302	378	423
HAMILTON	235	286	336	420	471
LEWIS	253	307	361	451	506
ST LAWRENCE	241	292	344	430	482
SCHUYLER	244	296	349	436	488
STEUBEN	244	296	349	436	488
TOMPKINS	266	323	380	475	532
WYOMING	242	292	344	430	482

S T A T E: NORTH CAROLINA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ASHEVILLE, NC MSA COUNTY(IES): BUNCOMBE	242	295	347	433	485
BURLINGTON, NC MSA COUNTY(IES): ALAMANCE	240	292	343	429	481
CHARLOTTE-GASTONIA-ROCK HILL, NC-SC MSA COUNTY(IES): CABARRUS, GASTON, LINCOLN, MECKLENBURG, ROWAN, UNION	270	326	381	476	533
FAYETTEVILLE, NC MSA COUNTY(IES): CUMBERLAND	232	281	331	414	464
GREENSBORO--WINSTON-SALEM--HIGH POINT, NC MSA COUNTY(IES): DAVIDSON, DAVIE, FORSYTH, GUILFORD, RANDOLPH, STOKES, YADKIN	253	308	362	453	507
HICKORY, NC MSA COUNTY(IES): ALEXANDER, BURKE, CATAWBA	222	269	317	396	444
JACKSONVILLE, NC MSA COUNTY(IES): ONSLOW	230	280	329	412	461
RALEIGH-DURHAM, NC MSA COUNTY(IES): DURHAM, FRANKLIN, ORANGE, WAKE	290	353	415	519	581
WILMINGTON, NC MSA COUNTY(IES): NEW HANOVER	242	295	347	433	485

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALLEGHANY	219	264	309	386	424
ASHE	219	264	309	386	424
BEAUFORT	242	295	347	433	485
BLADEN	196	238	280	350	392
CALDWELL	219	265	312	391	437
CARTERET	228	277	326	408	457
CHATHAM	282	342	403	503	564
CHOWAN	235	281	327	407	453
CLEVELAND	219	264	309	386	424
CRAVEN	228	277	326	408	457
DARE	235	281	327	407	453
EDGECOMBE	228	277	326	408	457
GRAHAM	190	231	272	340	381
GREENE	212	257	303	379	424
HARNETT	212	257	303	379	424
HENDERSON	239	291	342	428	479
HOKE	196	238	280	350	392
IREDELL	220	267	314	389	435
JOHNSTON	225	273	322	402	451
LEE	225	273	322	402	451
MCDOWELL	219	264	309	386	424
MADISON	239	291	342	428	479
MITCHELL	219	264	309	386	424
MOORE	221	265	309	387	433
NORTHAMPTON	228	277	326	408	457
PASQUOTANK	235	281	327	407	453
PERQUIMANS	235	281	327	407	453
PITT	242	295	347	433	485
RICHMOND	221	265	309	387	433
ROCKINGHAM	220	267	314	393	440
SAMPSON	212	257	303	379	424
STANLY	217	264	311	389	435
SWAIN	190	231	272	340	381
TYRRELL	235	281	327	407	453
WARREN	210	255	300	375	420
WATAUGA	219	264	309	386	424
WILKES	219	264	309	386	424
YANCEY	219	264	309	386	424

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANSON	221	265	309	387	433
AVERY	219	264	309	386	424
BERTIE	242	295	347	433	485
BRUNSWICK	201	244	287	359	403
CAMDEN	235	281	327	407	453
CASWELL	220	267	314	393	440
CHEROKEE	190	231	272	340	381
CLAY	190	231	272	340	381
COLUMBUS	201	244	287	359	403
CURRITUCK	226	275	323	404	453
DUPLIN	196	238	280	350	392
GATES	235	281	327	407	453
GRANVILLE	210	255	300	375	420
HALIFAX	228	277	326	408	457
HAYWOOD	190	231	272	340	381
HERTFORD	242	295	347	433	485
HYDE	235	281	327	407	453
JACKSON	190	231	272	340	381
JONES	228	277	326	408	457
LENOIR	196	238	280	350	392
MACON	190	231	272	340	381
MARTIN	242	295	347	433	485
MONTGOMERY	221	265	309	387	433
NASH	234	284	334	418	468
PAMLICO	228	277	326	408	457
PENDER	201	244	287	359	403
PERSON	210	255	300	375	420
POLK	219	264	309	386	424
ROBESON	196	238	280	350	392
RUTHERFORD	219	264	309	386	424
SCOTLAND	196	238	281	350	392
SURRY	196	238	280	350	392
TRANSYLVANIA	239	291	342	428	479
VANCE	210	255	300	375	420
WASHINGTON	235	281	327	407	453
WAYNE	212	257	303	379	424
WILSON	234	284	334	418	468

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S T A T E: NORTH DAKOTA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BISMARCK, ND MSA	273	332	391	488	547
COUNTY(IES): BURLEIGH, MORTON					
FARGO-MOORHEAD, ND-MN MSA	272	331	389	487	545
COUNTY(IES): CASS					
GRAND FORKS, ND MSA	260	315	371	464	520
COUNTY(IES): GRAND FORKS					

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAMS	231	281	331	414	463	BARNES	237	288	338	423	474
BENSON	237	288	338	423	474	BILLINGS	231	281	331	414	463
BOTTINEAU	231	281	331	414	463	BOWMAN	231	281	331	414	463
BURKE	231	281	331	414	463	CAVALIER	237	288	338	423	474
DICKEY	237	288	338	423	474	DIVIDE	231	281	331	414	463
DUNN	231	281	331	414	463	EDDY	237	288	338	423	474
EMMONS	263	319	376	470	526	FOSTER	237	288	338	423	474
GOLDEN VALLY	231	281	331	414	463	GRANT	263	319	376	470	526
GRIGGS	237	288	338	423	474	HETTINGER	231	281	331	414	463
KIDDER	263	319	376	470	526	LA MOORE	237	288	338	423	474
LOGAN	237	288	338	423	474	MCHENRY	231	281	331	414	463
MCINTOSH	237	288	338	423	474	MCKENZIE	231	281	331	414	463
MCLEAN	263	319	376	470	526	MERCER	263	319	376	470	526
MOUNTRAIL	231	281	331	414	463	NELSON	237	288	338	423	474
OLIVER	263	319	376	470	526	PEMBINA	237	288	338	423	474
PIERCE	231	281	331	414	463	RAMSEY	237	288	338	423	474
RANSOM	263	319	376	470	526	RENVILLE	231	281	331	414	463
RICHLAND	263	319	376	470	526	ROLETTE	237	288	338	423	474
SARGENT	263	319	376	470	526	SHERIDAN	263	319	376	470	526
SIOUX	263	319	376	470	526	SLOPE	231	281	331	414	463
STARK	231	281	331	414	463	STEELE	263	319	376	470	526
STUTSMAN	237	288	338	423	474	TOWNER	237	288	338	423	474
TRAILL	263	319	376	470	526	WALSH	237	288	338	423	474
WARD	231	281	331	414	463	WELLS	237	288	338	423	474
WILLIAMS	231	281	331	414	463						

S T A T E: OHIO	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
AKRON, OH PMSA	271	330	388	485	543
COUNTY(IES): PORTAGE, SUMMIT					
CANTON, OH MSA	237	288	338	423	474
COUNTY(IES): CARROLL, STARK					
CINCINNATI, OH-KY-IN PMSA	250	305	360	450	500
COUNTY(IES): CLERMONT, HAMILTON, WARREN					
CLEVELAND, OH PMSA	283	344	404	505	566
COUNTY(IES): CUYAHOGA, GEAUGA, LAKE, MEDINA					
COLUMBUS, OH MSA	270	325	385	480	540
COUNTY(IES): DELAWARE, FAIRFIELD, FRANKLIN, LICKING, MADISON, PICKAWAY, UNION					
DAYTON-SPRINGFIELD, OH MSA	235	285	336	420	470
COUNTY(IES): CLARK, GREENE, MIAMI, MONTGOMERY					
HAMILTON-MIDDLETOWN, OH PMSA	280	341	401	501	561
COUNTY(IES): BUTLER					
HUNTINGTON-ASHLAND, WV-KY-OH MSA	266	323	380	475	533
COUNTY(IES): LAWRENCE					
LIMA, OH MSA	251	305	359	449	503
COUNTY(IES): ALLEN, AUGLAIZE					
LORAIN-ELYRIA, OH PMSA	267	325	382	478	535
COUNTY(IES): LORAIN					
MANSFIELD, OH MSA	227	277	325	406	455
COUNTY(IES): RICHLAND					
PARKERSBURG-MARIETTA, WV-OH MSA	247	300	353	442	495
COUNTY(IES): WASHINGTON					
STEUBENVILLE-WEIRTON, OH-WV MSA	254	308	362	453	508
COUNTY(IES): JEFFERSON					
TOLEDO, OH MSA	288	350	412	515	577
COUNTY(IES): FULTON, LUCAS, WOOD					
WHEELING, WV-OH MSA	250	304	358	448	501
COUNTY(IES): BELMONT					
YOUNGSTOWN-WARREN, OH MSA	251	305	359	449	503
COUNTY(IES): MAHONING, TRUMBULL					

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAMS	225	271	317	395	443	ASHLAND	248	302	355	444	497
ASHTABULA	265	322	379	474	531	ATHENS	218	265	312	390	436
BROWN	225	271	317	395	443	CHAMPAIGN	240	291	343	429	480
CLINTON	229	279	328	410	459	COLUMBIANA	235	285	336	420	470

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 120685

STATE: OHIO

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COSHOCTON	199	242	285	356	399
DARKE	229	279	328	410	459
ERIE	259	314	370	462	518
GALLIA	247	300	353	442	495
HANCOCK	243	295	347	434	487
HARRISON	228	277	327	408	457
HIGHLAND	225	271	317	395	443
HOLMES	241	293	344	431	482
JACKSON	221	269	316	395	443
LOGAN	243	295	347	434	487
MEIGS	218	265	312	390	436
MONROE	245	298	350	438	491
MORROW	221	269	316	395	443
NOBLE	245	298	350	438	491
PAULDING	256	310	365	457	512
PIKE	221	269	316	395	443
PUTNAM	247	300	353	442	495
SANDUSKY	259	314	370	462	518
SENECA	228	277	327	408	457
TUSCARAWAS	241	293	344	431	482
VINTON	247	300	353	442	495
WILLIAMS	256	310	365	457	512
CRAWFORD	228	277	327	408	457
DEFIANCE	256	310	365	457	512
FAYETTE	229	279	328	410	459
GUERNSEY	242	294	346	433	485
HARDIN	243	295	347	434	487
HENRY	256	310	365	457	512
HOCKING	218	265	312	390	436
HURON	228	277	327	408	457
KNOX	221	269	316	395	443
MARION	221	269	316	395	443
MERCER	229	279	328	410	459
MORGAN	245	298	350	438	491
MUSKINGUM	199	242	285	356	399
OTTAWA	259	314	370	462	518
PERRY	218	265	312	390	436
PREBLE	249	303	356	446	499
ROSS	229	279	328	410	459
SCIOTO	221	269	316	395	443
SHELBY	229	279	328	410	459
VAN WERT	247	300	353	442	495
WAYNE	248	302	355	444	497
WYANDOT	228	277	327	408	457

STATE: OKLAHOMA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ENID, OK MSA					
COUNTY(IES): GARFIELD	277	337	396	496	555
FORT SMITH, AR-OK MSA					
COUNTY(IES): SEQUOYAH	231	281	331	414	463
LAWTON, OK MSA					
COUNTY(IES): COMANCHE	238	289	341	426	477
OKLAHOMA CITY, OK MSA					
COUNTY(IES): CANADIAN, CLEVELAND, LOGAN, MCCLAIN, OKLAHOMA, POTTAWATOMIE	300	361	424	520	585
TULSA, OK MSA					
COUNTY(IES): CREEK, OSAGE, ROGERS, TULSA, WAGONER	301	366	431	538	603

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAIR	186	227	266	332	369
ATOKA	163	199	234	292	327
BECKHAM	206	250	294	368	412
BRYAN	196	238	280	350	392
CARTER	196	238	280	350	392
CHOCTAW	163	199	234	292	327
COAL	163	199	234	292	327
CRAIG	236	287	338	422	473
DELAWARE	184	224	263	329	369
ELLIS	211	257	302	377	423
GRADY	195	237	279	348	390
GREER	206	250	294	368	412
HARPER	211	257	302	377	423
HUGHES	189	230	271	339	379
JEFFERSON	195	237	279	348	390
KAY	244	296	348	436	488
KIOWA	206	250	294	368	412
LE FLORE	163	199	234	292	327
LOVE	196	238	280	350	392
MCINTOSH	189	230	271	339	379
MARSHALL	196	238	280	350	392
MURRAY	196	238	280	350	392
NOBLE	244	296	348	436	488
OKFUSKEE	189	230	271	339	379
OTTAWA	236	287	338	422	473
PAYNE	233	283	333	416	466
PONTOTOC	196	238	280	350	392
ROGER MILLS	206	250	294	368	412
STEPHENS	195	237	279	348	390
TILLMAN	195	237	279	348	390
WASHITA	206	250	294	368	412
WOODWARD	211	257	302	377	423
ALFALFA	211	257	302	377	423
BEAVER	211	257	302	377	423
BLAINE	211	257	302	377	423
CADDO	195	237	279	348	390
CHEROKEE	186	227	266	332	369
CIMARRON	211	257	302	377	423
COTTON	195	237	279	348	390
CUSTER	206	250	294	368	412
DEWEY	211	257	302	377	423
GARVIN	196	238	280	350	392
GRANT	244	296	348	436	488
HARMON	206	250	294	368	412
HASKELL	163	199	234	292	327
JACKSON	206	250	294	368	412
JOHNSTON	196	238	280	350	392
KINGFISHER	244	296	348	436	488
LATIMER	163	199	234	292	327
LINCOLN	233	283	333	416	466
MCCURTAIN	163	199	234	292	327
MAJOR	211	257	302	377	423
MAYES	245	297	350	438	490
MUSKOGEE	189	230	271	339	379
NOWATA	236	287	338	422	473
OKMULGEE	189	230	271	339	379
PAWNEE	233	283	333	416	466
PITTSBURG	163	199	234	292	327
PUSHMATAHA	163	199	234	292	327
SEMINOLE	194	236	279	344	382
TEXAS	211	257	302	377	423
WASHINGTON	236	287	338	422	473
WOODS	211	257	302	377	423

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 120685

S T A T E: OREGON

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
EUGENE-SPRINGFIELD, OR MSA COUNTY(IES): LANE	321	390	459	574	642
MEDFORD, OR MSA COUNTY(IES): JACKSON	319	387	455	569	638
PORTLAND, OR PMSA COUNTY(IES): CLACKAMAS, MULTNOMAH, WASHINGTON, YAMHILL	265	320	375	490	535
SALEM, OR MSA COUNTY(IES): MARION, POLK	300	364	429	536	601

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BAKER	292	355	417	522	584	BENTON	298	362	426	532	596
CLATSOP	284	345	406	507	568	COLUMBIA	284	345	406	507	568
COOS	305	370	436	545	610	CROOK	309	376	442	553	619
CURRY	305	370	436	545	610	DESCHUTES	309	376	442	553	619
DOUGLAS	305	370	436	545	610	GILLIAM	292	355	417	522	584
GRANT	292	355	417	522	584	HARNEY	279	339	399	499	559
HOOD RIVER	309	376	442	553	619	JEFFERSON	309	376	442	553	619
JOSEPHINE	305	370	436	545	610	KLAMATH	279	339	399	499	559
LAKE	279	339	399	499	559	LINCOLN	284	345	406	507	568
LINN	298	362	426	532	596	MALHEUR	279	339	399	499	559
MORROW	292	355	417	522	584	SHERMAN	309	376	442	553	619
TILLAMOOK	284	345	406	507	568	UMATILLA	292	355	417	522	584
UNION	292	355	417	522	584	WALLOWA	292	355	417	522	584
WASCO	309	376	442	553	619	WHEELER	292	355	417	522	584

S T A T E: PENNSYLVANIA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALLENTOWN-BETHLEHEM, PA-NJ MSA COUNTY(IES): CARBON, LEHIGH, NORTHAMPTON	272	330	385	485	540
ALTOONA, PA MSA COUNTY(IES): BLAIR	242	294	346	432	484
BEAVER COUNTY, PA PMSA COUNTY(IES): BEAVER	267	322	379	474	531
ERIE, PA MSA COUNTY(IES): ERIE	279	339	398	498	558
HARRISBURG-LEBANON-CARLISLE, PA MSA COUNTY(IES): CUMBERLAND, DAUPHIN, LEBANON, PERRY	288	346	408	510	571
JOHNSTOWN, PA MSA COUNTY(IES): CAMBRIA, SOMERSET	235	286	336	420	471
LANCASTER, PA MSA COUNTY(IES): LANCASTER	273	332	391	488	547
PHILADELPHIA, PA-NJ PMSA COUNTY(IES): BUCKS, CHESTER, DELAWARE, MONTGOMERY, PHILADELPHIA	310	375	440	550	615
PITTSBURGH, PA PMSA COUNTY(IES): ALLEGHANY, FAYETTE, WASHINGTON, WESTMORELAND	280	340	400	500	560
READING, PA MSA COUNTY(IES): BERKS	272	331	389	486	545
SCRANTON--WILKES-BARRE, PA MSA COUNTY(IES): COLUMBIA, LACKAWANNA, LUZERNE, MONROE, WYOMING	222	269	317	396	444
SHARON, PA MSA COUNTY(IES): MERCER	258	313	369	461	517
STATE COLLEGE, PA MSA COUNTY(IES): CENTRE	311	378	445	556	623
WILLIAMSPORT, PA MSA COUNTY(IES): LYCOMING	235	286	336	420	471
YORK, PA MSA COUNTY(IES): ADAMS, YORK	262	319	375	469	525

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ARMSTRONG	270	328	386	483	541	BEDFORD	219	266	313	391	438
BRADFORD	224	273	321	401	449	BUTLER	269	327	384	481	538
CAMERON	228	277	325	407	456	CLARION	222	270	318	397	445
CLEARFIELD	232	282	332	415	464	CLINTON	228	275	323	403	451
CRAWFORD	230	279	329	411	460	ELK	228	277	325	407	456
FOREST	222	270	318	397	445	FRANKLIN	249	303	356	446	499
FULTON	219	266	313	391	438	GREENE	232	282	332	415	464
HUNTINGDON	219	266	313	391	438	INDIANA	270	328	386	483	541
JEFFERSON	232	282	332	415	464	JUNIATA	225	274	322	403	451
LAWRENCE	230	279	329	411	460	MCKEAN	228	277	325	407	456
MIFFLIN	225	274	328	403	451	MONTOUR	232	282	332	415	464
NORTHUMBRLND	242	282	332	415	464	PIKE	250	304	358	448	501
POTTER	228	277	325	407	456	SCHUYLKILL	200	244	287	358	401
SNYDER	225	274	322	403	451	SULLIVAN	224	273	321	401	449
SUSQUEHANNA	224	273	321	401	449	TIOGA	224	273	321	401	449

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 120685

STATE: PENNSYLVANIA

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
UNION	225	274	322	403	451	VENANGO	222	270	318	397	445
WARREN	230	279	329	411	460	WAYNE	250	304	358	448	501

S T A T E: RHODE ISLAND

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
FALL RIVER, MA-RI PMSA	203	246	290	362	406
COUNTY: NEWPORT TOWNS OF LITTLE COMPT, TIVERTON					
NEW LONDON-NORWICH, CT-RI MSA	302	366	431	539	604
COUNTY: WASHINGTON TOWNS OF HOPKINTON, WESTERLY					
PAWTUCKET-WOONSOCKET-ATTLEBORO, RI-MA PMSA	259	315	370	463	519
COUNTY: PROVIDENCE TOWNS OF BURRILLVILLE, CENTRAL FALL, CUMBERLAND, LINCOLN, NORTH SMITHF, PAWTUCKET, SMITHFIELD WOONSOCKET					
PROVIDENCE, RI PMSA	275	330	390	490	545
COUNTY: BRISTOL TOWNS OF BARRINGTON, BRISTOL, WARREN					
COUNTY: KENT TOWNS OF COVENTRY, EAST GREENWI, WARWICK, WEST WARWICK					
COUNTY: NEWPORT TOWNS OF JAMESTOWN					
COUNTY: PROVIDENCE TOWNS OF CRANSTON, EAST PROVIDE, FOSTER, GLOCESTER, JOHNSTON, NORTH PROVID, PROVIDENCE, SCITUATE					
COUNTY: WASHINGTON TOWNS OF EXETER, NARRAGANSETT, NORTH KINGST, RICHMOND, SOUTH KINGST					

NONMETROPOLITAN COUNTIES OR PARTS OF COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KENT COUNTY TOWNS OF WEST GREENWI	293	356	419	523	586
NEWPORT COUNTY TOWNS OF MIDDLETOWN, NEWPORT, PORTSMOUTH	294	357	420	525	588
WASHINGTON COUNTY TOWNS OF CHARLESTOWN, NEW SHOREHAM	293	356	419	523	586

S T A T E: SOUTH CAROLINA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANDERSON, SC MSA	220	267	314	393	440
COUNTY(IES): ANDERSON					
AUGUSTA, GA-SC MSA	254	305	357	446	499
COUNTY(IES): AIKEN					
CHARLESTON, SC MSA	272	331	389	486	545
COUNTY(IES): BERKELEY, CHARLESTON, DORCHESTER					
CHARLOTTE-GASTONIA-ROCK HILL, NC-SC MSA	270	326	381	476	533
COUNTY(IES): YORK					
COLUMBIA, SC MSA	275	335	394	492	551
COUNTY(IES): LEXINGTON, RICHLAND					
FLORENCE, SC MSA	223	271	319	399	447
COUNTY(IES): FLORENCE					
GREENVILLE-SPARTANBURG, SC MSA	241	292	344	430	482
COUNTY(IES): GREENVILLE, PICKENS, SPARTANBURG					

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ABBEVILLE	194	236	279	344	382	ALLENDALE	202	246	289	362	405
BAMBERG	202	246	289	362	405	BARNWELL	202	246	289	362	405
BEAUFORT	250	304	358	447	501	CALHOUN	207	252	299	366	409
CHEROKEE	194	235	277	346	388	CHESTER	194	235	277	346	388
CHESTERFIELD	193	234	275	344	386	CLARENDON	218	264	311	389	436
COLLETON	250	304	358	447	501	DARLINGTON	193	234	275	344	386
DILLON	193	234	275	344	386	EDGEFIELD	190	231	272	340	381
FAIRFIELD	190	231	272	340	381	GEORGETOWN	234	284	334	418	468
GREENWOOD	194	236	279	344	382	HAMPTON	250	304	358	447	501
HORRY	234	284	334	418	468	JASPER	250	304	358	447	501
KERSHAW	218	264	311	389	436	LANCASTER	194	235	277	346	388
LAURENS	194	236	279	344	382	LEE	218	264	311	389	436
MCCORMICK	190	231	272	340	381	MARION	193	234	275	344	386
MARLBORO	193	234	275	344	386	NEWBERRY	190	231	272	340	381
OCONEE	239	291	342	428	479	ORANGEBURG	202	246	289	362	405
SALUDA	190	231	272	340	381	SUMTER	218	264	311	389	436
UNION	194	235	277	346	388	WILLIAMSBURG	234	284	334	418	468

S T A T E: SOUTH DAKOTA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
RAPID CITY, SD MSA	250	301	350	434	486
COUNTY(IES): PENNINGTON					
SIOUX FALLS, SD MSA	264	320	377	471	528
COUNTY(IES): MINNEHAHA					

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
AURORA	225	271	317	396	444	BEADLE	225	271	317	394	438
BENNETT	204	248	291	364	408	BON HOMME	222	269	317	396	444
BROOKINGS	193	235	276	346	387	BROWN	216	263	309	387	433
BRULE	222	269	317	396	444	BUFFALO	204	248	291	364	408
BUTTE	243	295	347	434	486	CAMPBELL	204	248	291	364	408

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 120685

STATE: SOUTH DAKOTA

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHARLES MIX	222	269	317	396	444
CLAY	222	269	317	396	444
CORSON	204	248	291	364	408
DAVISON	225	271	317	396	444
DEUEL	199	239	285	353	392
DOUGLAS	222	269	317	396	444
FALL RIVER	243	295	347	434	486
GRANT	193	235	276	346	387
HAAKON	204	248	291	364	408
HAND	225	271	317	394	438
HARDING	243	295	347	434	486
HUTCHINSON	222	269	317	396	444
JACKSON	204	248	291	364	408
JONES	204	248	291	364	408
LAKE	193	235	276	346	387
LINCOLN	225	271	317	396	444
MCCOOK	193	235	276	346	387
MARSHALL	216	263	309	387	433
MELLETTE	204	248	291	364	408
MOODY	193	235	276	346	387
POTTER	204	248	291	364	408
SANBORN	225	271	317	396	444
SPINK	216	263	309	387	433
SULLY	204	248	291	364	408
TRIPP	204	248	291	364	408
UNION	222	269	317	396	444
YANKTON	222	269	317	396	444

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CLARK	199	239	285	353	392
CODINGTON	193	235	276	346	387
CUSTER	243	295	347	434	486
DAY	216	263	309	387	433
DEWEY	204	248	291	364	408
EDMUNDS	216	263	309	387	433
FAULK	216	263	309	387	433
GREGORY	204	248	291	364	408
HAMLIN	199	239	285	353	392
HANSON	225	271	317	396	444
HUGHES	204	248	291	364	408
HYDE	204	248	291	364	408
JERAULD	225	271	317	396	444
KINGSBURY	193	235	276	346	387
LAWRENCE	249	295	347	434	486
LYMAN	204	248	291	364	408
MCPHERSON	216	263	309	387	433
MEADE	250	301	350	434	486
MINER	193	235	276	346	387
PERKINS	204	248	291	364	408
ROBERTS	216	263	309	387	433
SHANNON	204	248	291	364	408
STANLEY	204	248	291	364	408
TODD	204	248	291	364	408
TURNER	225	271	317	396	444
WALWORTH	204	248	291	364	408
ZIEBACH	204	248	291	364	408

STATE: TENNESSEE

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHATTANOOGA, TN-GA MSA					
COUNTY(IES): HAMILTON, MARION, SEQUATCHIE	270	328	386	483	541
CLARKSVILLE-HOPKINSVILLE, TN-KY MSA					
COUNTY(IES): MONTGOMERY	250	303	357	446	500
JACKSON, TN MSA					
COUNTY(IES): MADISON	219	266	313	391	438
JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA MSA					
COUNTY(IES): CARTER, HAWKINS, SULLIVAN, UNICOI, WASHINGTON	227	275	324	405	454
KNOXVILLE, TN MSA					
COUNTY(IES): ANDERSON, BLOUNT, GRAINGER, JEFFERSON, KNOX, SEVIER, UNION	249	303	356	446	499
MEMPHIS, TN-AR-MS MSA					
COUNTY(IES): SHELBY, TIPTON	245	300	355	440	495
NASHVILLE, TN MSA					
COUNTY(IES): CHEATHAM, DAVIDSON, DICKSON, ROBERTSON, RUTHERFORD, SUMNER, WILLIAMSON, WILSON	296	360	423	529	593

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BEDFORD	213	267	303	378	423
BLEDSOE	222	270	318	397	445
CAMPBELL	168	204	240	300	336
CARROLL	200	243	287	358	401
CLAIBORNE	168	204	240	300	336
COCKE	202	245	288	360	404
CROCKETT	204	247	291	364	408
DECATUR	219	266	313	391	438
DYER	204	247	291	364	408
FENTRESS	174	212	249	312	349
GIBSON	204	247	291	364	408
GREENE	198	241	283	354	397
HAMBLEN	202	245	288	360	404
HARDEMAN	219	266	313	391	438
HAYWOOD	209	261	299	374	419
HENRY	200	243	287	358	401
HOUSTON	249	303	356	446	499
JACKSON	174	214	253	316	351
LAKE	204	247	291	364	408
LAWRENCE	213	267	303	378	423
LINCOLN	211	257	302	378	423
MCMINN	222	270	318	397	445
MACON	174	212	249	312	349
MAURY	213	267	303	378	423
MONROE	213	261	305	382	427
MORGAN	168	204	240	300	336
OVERTON	174	212	249	312	349
PICKETT	174	212	249	312	349

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BENTON	200	243	287	358	401
BRADLEY	222	270	318	397	445
CANNON	174	212	249	312	349
CHESTER	219	266	313	391	438
CLAY	174	214	253	316	351
COFFEE	213	267	303	378	423
CUMBERLAND	174	212	249	312	349
DE KALB	174	212	249	312	349
FAYETTE	209	255	299	374	419
FRANKLIN	211	257	302	378	423
GILES	213	267	303	378	423
GRUNDY	222	270	318	397	445
HANCOCK	198	241	283	354	397
HARDIN	219	266	313	391	438
HENDERSON	219	266	313	391	438
HICKMAN	213	267	303	378	423
HUMPHREYS	249	303	356	446	499
JOHNSON	227	274	320	397	445
LAUDERDALE	209	261	299	374	419
LEWIS	211	257	302	378	423
LOUDON	213	261	305	382	427
MCNAIRY	219	266	313	391	438
MARSHALL	213	267	303	378	423
MEIGS	222	270	318	397	445
MOORE	213	267	303	378	423
OBION	207	255	291	366	408
PERRY	211	257	302	378	423
POLK	222	270	318	397	445

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 120685

STATE: TENNESSEE

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PUTNAM	206	250	294	368	412
ROANE	213	261	305	382	427
SMITH	174	212	249	312	349
TROUSDALE	174	212	249	312	349
WARREN	206	250	294	368	412
WEAKLEY	200	243	287	358	401
RHEA	222	270	318	397	445
SCOTT	168	204	240	300	336
STEWART	249	303	356	446	499
VAN BUREN	206	250	294	368	412
WAYNE	211	257	302	378	423
WHITE	206	250	294	368	412

S T A T E: TEXAS

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ABILENE, TX MSA COUNTY(IES): TAYLOR	269	327	385	481	539
AMARILLO, TX MSA COUNTY(IES): POTTER, RANDALL	247	301	354	442	495
AUSTIN, TX MSA COUNTY(IES): HAYS, TRAVIS, WILLIAMSON	317	381	448	560	627
BEAUMONT-PORT ARTHUR, TX MSA COUNTY(IES): HARDIN, JEFFERSON, ORANGE	284	345	406	508	569
BRAZORIA, TX PMSA COUNTY(IES): BRAZORIA	314	381	449	561	628
BROWNSVILLE-HARLINGEN, TX MSA COUNTY(IES): CAMERON	252	306	360	450	504
BRYAN-COLLEGE STATION, TX MSA COUNTY(IES): BRAZOS	334	406	477	597	669
CORPUS CHRISTI, TX MSA COUNTY(IES): NUECES, SAN PATRICIO	291	353	416	520	582
DALLAS, TX PMSA COUNTY(IES): COLLIN, DALLAS, DENTON, ELLIS, KAUFMAN, ROCKWALL	285	350	410	515	575
EL PASO, TX MSA COUNTY(IES): EL PASO	249	302	355	444	498
FORT WORTH-ARLINGTON, TX PMSA COUNTY(IES): JOHNSON, PARKER, TARRANT	285	350	410	515	575
GALVESTON-TEXAS CITY, TX PMSA COUNTY(IES): GALVESTON	293	356	419	524	587
HOUSTON, TX PMSA COUNTY(IES): FORT BEND, HARRIS, LIBERTY, MONTGOMERY, WALLER	280	340	400	500	560
KILLEEN-TEMPLE, TX MSA COUNTY(IES): BELL, CORYELL	245	298	351	438	491
LAREDO, TX MSA COUNTY(IES): WEBB	232	282	332	415	465
LONGVIEW-MARSHALL, TX MSA COUNTY(IES): GREGG, HARRISON	280	340	400	500	560
LUBBOCK, TX MSA COUNTY(IES): LUBBOCK	294	357	420	525	589
MC ALLEN-EDINBURG-MISSION, TX MSA COUNTY(IES): HIDALGO	251	305	358	448	502
MIDLAND, TX MSA COUNTY(IES): MIDLAND	322	391	460	576	645
ODESSA, TX MSA COUNTY(IES): ECTOR	320	389	457	572	640
SAN ANGELO, TX MSA COUNTY(IES): TOM GREEN	271	329	388	485	543
SAN ANTONIO, TX MSA COUNTY(IES): BEXAR, COMAL, GUADALUPE	275	330	390	490	545
SHERMAN-DENISON, TX MSA COUNTY(IES): GRAYSON	246	299	352	440	493
TEXARKANA, TX-TEXARKANA, AR MSA COUNTY(IES): BOWIE	227	276	325	406	455
TYLER, TX MSA COUNTY(IES): SMITH	283	344	405	506	567
VICTORIA, TX MSA COUNTY(IES): VICTORIA	346	420	494	618	692
WACO, TX MSA COUNTY(IES): MCLENNAN	235	280	330	409	456
WICHITA FALLS, TX MSA COUNTY(IES): WICHITA	255	310	365	456	511

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANDERSON	215	261	307	384	430
ANGELINA	250	303	357	446	500
ARCHER	206	251	295	369	413
ATASCOSA	221	269	317	396	443
BAILEY	208	254	300	371	414
BASTROP	219	266	313	392	439
BEE	238	289	340	425	476
ANDREWS	184	223	262	328	368
ARANSAS	238	289	340	425	476
ARMSTRONG	224	272	320	400	448
AUSTIN	254	308	363	454	508
BANDERA	221	269	317	396	443
BAYLOR	206	251	295	369	413
BLANCO	203	247	290	363	407

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 120685

STATE: TEXAS

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BORDEN	253	307	361	452	506
BREWSTER	184	223	262	328	368
BROOKS	238	289	340	425	476
BURLESON	305	370	436	545	610
CALDWELL	219	266	313	392	439
CALLAHAN	213	259	304	380	426
CARSON	224	272	320	400	448
CASTRO	224	272	320	400	448
CHEROKEE	215	261	307	384	430
CLAY	206	251	295	369	413
COKE	256	311	366	458	513
COLLINGSWORT	224	272	320	400	448
COMANCHE	213	259	304	380	426
COOKE	237	287	338	423	474
CRANE	184	223	262	328	368
CROSBY	208	254	300	371	414
DALLAM	224	272	320	400	448
DEAF SMITH	224	272	320	400	448
DE WITT	272	331	389	487	545
DIMMIT	200	243	286	357	400
DUVAL	238	289	340	425	476
EDWARDS	205	251	294	362	402
FALLS	189	230	270	338	378
FAYETTE	219	266	313	392	439
FLOYD	208	254	300	371	414
FRANKLIN	227	276	324	406	454
FRIO	221	269	317	396	443
GARZA	208	254	300	371	414
GLASSCOCK	253	307	361	452	506
GONZALES	272	331	389	487	545
GRIMES	305	370	436	545	610
HALL	224	272	320	400	448
HANSFORD	224	272	320	400	448
HARTLEY	224	272	320	400	448
HEMPHILL	224	272	320	400	448
HILL	189	230	270	338	378
HOOD	254	308	363	454	508
HOUSTON	259	315	371	464	519
HUDSPETH	184	223	262	328	368
HUTCHINSON	224	272	320	400	448
JACK	206	251	295	369	413
JASPER	182	222	261	326	365
JIM HOGG	226	274	323	404	452
JONES	213	259	304	380	426
KENDALL	221	269	317	396	443
KENT	213	259	304	380	426
KIMBLE	256	311	366	458	513
KINNEY	205	251	294	362	402
KNOX	208	254	300	371	414
LAMB	208	254	300	371	414
LA SALLE	200	243	286	357	400
LEE	219	266	313	392	439
LIMESTONE	189	230	270	338	378
LIVE OAK	238	289	340	425	476
LOVING	184	223	262	328	368
MCCULLOCH	256	311	366	458	513
MADISON	305	370	436	545	610
MARTIN	253	307	361	452	506
MATAGORDA	254	308	363	454	508
MEDINA	221	269	317	396	443
MILAM	219	266	313	392	439
MITCHELL	213	259	304	380	426
MOORE	224	272	320	400	448
MOTLEY	208	254	300	371	414
NAVARRO	189	230	270	338	378
NOLAN	213	259	304	380	426
OLDHAM	224	272	320	400	448
PANOLA	215	261	307	384	430
PECOS	184	223	262	328	368
PRESIDIO	184	223	262	328	368
REAGAN	256	311	366	458	513
RED RIVER	227	276	324	406	454
REFUGIO	238	289	340	425	476
ROBERTSON	305	370	436	545	610
RUSK	215	261	307	384	430
BOSQUE	189	230	270	338	378
BRISCOE	224	272	320	400	448
BROWN	208	254	300	371	414
BURNET	203	247	290	363	407
CALHOUN	272	331	389	487	545
CAMP	198	240	283	353	396
CASS	227	276	324	406	454
CHAMBERS	299	364	428	535	599
CHILDRESS	206	251	295	369	413
COCHRAN	208	254	300	371	414
COLEMAN	208	254	300	371	414
COLORADO	254	308	363	454	508
CONCHO	256	311	366	458	513
COTTLE	206	251	295	369	413
CROCKETT	266	311	366	458	513
CULBERSON	184	223	262	328	368
DAWSON	253	307	361	452	506
DELTA	227	276	324	406	454
DICKENS	208	254	300	371	414
DONLEY	224	272	320	400	448
EASTLAND	213	259	304	380	426
ERATH	213	259	304	380	426
FANNIN	237	287	338	423	474
FISHER	213	259	304	380	426
FOARD	206	251	295	369	413
FREESTONE	189	230	270	338	378
GAINES	184	223	262	328	368
GILLESPIE	221	269	317	396	443
GOLIAD	272	331	389	487	545
GRAY	224	272	320	400	448
HALE	208	254	300	371	414
HAMILTON	203	247	290	363	407
HARDEMAN	206	251	295	369	413
HASKELL	213	259	304	380	426
HENDERSON	215	261	307	384	430
HOCKLEY	206	251	295	369	413
HOPKINS	227	276	324	406	454
HOWARD	253	307	361	452	506
HUNT	237	287	338	423	474
IRION	256	311	366	458	513
JACKSON	272	331	389	487	545
JEFF DAVIS	184	223	262	328	368
JIM WELLS	238	289	340	425	476
KARNES	243	295	348	435	487
KENEDY	238	289	340	425	476
KERR	221	269	317	396	443
KING	208	254	300	371	414
KLEBERG	238	289	340	425	476
LAMAR	227	276	324	406	454
LAMPASAS	203	247	290	363	407
LAUACA	272	331	389	487	545
LEON	305	370	436	545	610
LIPSCOMB	224	272	320	400	448
LLANO	203	247	290	363	407
LYNN	208	254	300	371	414
MCMULLEN	238	289	340	425	476
MARION	198	240	283	353	396
MASON	256	311	366	458	513
MAVERICK	205	251	294	362	402
MENARD	256	311	366	458	513
MILLS	208	254	300	371	414
MONTAGUE	206	251	295	369	413
MORRIS	227	276	324	406	454
NACOGDOCHES	250	303	357	446	500
NEWTON	182	222	261	326	365
OCHILTREE	224	272	320	400	448
PALO PINTO	213	259	304	380	426
PARMER	224	272	320	400	448
POLK	259	315	371	464	519
RAINS	204	250	292	361	398
REAL	205	251	294	362	402
REEVES	184	223	262	328	368
ROBERTS	224	272	320	400	448
RUNNELS	208	254	300	371	414
SABINE	182	222	261	326	365

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 120685

STATE: TEXAS

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SAN AUGUSTIN	182	222	261	326	365
SAN SABA	208	254	300	371	414
SCURRY	213	259	304	380	426
SHELBY	182	222	261	326	365
SOMERVELL	189	230	270	338	378
STEPHENS	213	259	304	380	426
STONEWALL	213	259	304	380	426
SWISHER	224	272	320	400	448
TERRY	208	254	300	371	414
TITUS	227	276	324	406	454
TYLER	182	222	261	326	365
UPTON	253	307	361	452	506
VAL VERDE	205	251	294	362	402
WALKER	259	315	371	464	519
WASHINGTON	305	370	436	545	610
WHEELER	224	272	320	400	448
WILLACY	238	289	340	425	476
WINKLER	184	223	262	328	368
WOOD	198	240	283	353	396
YOUNG	206	251	295	369	413
ZAVALA	205	251	294	362	402

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SAN JACINTO	259	315	371	464	519
SCHLEICHER	256	311	366	458	513
SHACKLEFORD	213	259	304	380	426
SHERMAN	224	272	320	400	448
STARR	226	274	323	404	452
STERLING	256	311	366	458	513
SUTTON	256	311	366	458	513
TERRELL	184	223	262	328	368
THROCKMORTON	213	259	304	380	426
TRINITY	259	315	371	464	519
UPSHUR	198	240	283	353	396
UVALDE	205	251	294	362	402
VAN ZANDT	204	250	292	361	398
WARD	184	223	262	328	368
WHARTON	254	308	363	454	508
WILBARGER	206	251	295	369	413
WILSON	243	295	348	435	487
WISE	254	308	363	454	508
YOAKUM	208	254	300	371	414
ZAPATA	226	274	323	404	452

STATE: UTAH

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PROVO-OREM, UT MSA					
COUNTY(IES): UTAH	251	305	358	448	502
SALT LAKE CITY-OGDEN, UT MSA					
COUNTY(IES): DAVIS, SALT LAKE, WEBER	293	350	415	515	580

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BEAVER	274	333	392	490	549
CACHE	253	307	362	452	507
DAGGETT	313	380	447	559	626
EMERY	313	380	447	559	626
GRAND	313	380	447	559	626
JUAB	274	333	392	490	549
MILLARD	274	333	392	490	549
PIUTE	274	333	392	490	549
SAN JUAN	313	380	447	559	626
SEVIER	274	333	392	490	549
TOOELE	253	307	362	452	507
WASATCH	313	380	447	559	626
WAYNE	274	333	392	490	549

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BOX ELDER	253	307	362	452	507
CARBON	313	380	447	559	626
DUCHESNE	313	380	447	559	626
GARFIELD	274	333	392	490	549
IRON	274	333	392	490	549
KANE	274	333	392	490	549
MORGAN	313	380	447	559	626
RICH	253	307	362	452	507
SANPETE	274	333	392	490	549
SUMMIT	313	380	447	559	626
UINTAH	313	380	447	559	626
WASHINGTON	274	333	392	490	549

STATE: VERMONT

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BURLINGTON, VT MSA					
COUNTY: CHITTENDEN TOWNS OF BURLINGTON, CHARLOTTE, COLCHESTER, ESSEX, HINESBURG, JERICHO, MILTON, RICHMOND, ST. GEORGE SHELBURNE, SOUTH BURLIN, WILLISTON, WINOOSKI COUNTY: FRANKLIN TOWNS OF GEORGIA COUNTY: GRAND ISLE TOWNS OF GRAND ISLE, SOUTH HERO	328	398	468	585	656

NONMETROPOLITAN COUNTIES OR PARTS OF COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADDISON COUNTY	245	298	350	438	491
BENNINGTON COUNTY	271	329	388	485	543
CALEDONIA COUNTY	239	290	341	426	478
CHITTENDEN COUNTY TOWNS OF BOLTON, BUELS, HUNTINGTON, UNDERHILL WESTFORD	324	394	464	580	649
ESSEX COUNTY	239	290	341	426	478
FRANKLIN COUNTY TOWNS OF BAKERSFIELD, BERKSHIRE, ENOSBURG, FAIRFAX FAIRFIELD, FLETCHER, FRANKLIN, HIGHGATE, MONTGOMERY, RICHFORD, ST. ALBANS, ST. ALBANS, SHELDON, SWANTON	239	290	341	426	478
GRAND ISLE COUNTY TOWNS OF ALBURG, ISLE LA MOTT, NORTH HERO	239	290	341	426	478
LAMOILLE COUNTY	239	290	341	426	478
ORANGE COUNTY	245	298	350	438	491
ORLEANS COUNTY	239	290	341	426	478
RUTLAND COUNTY	271	329	388	485	543
WASHINGTON COUNTY	245	298	350	438	491
WINDHAM COUNTY	271	329	388	485	543
WINDSOR COUNTY	271	329	388	485	543

STATE: VIRGINIA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHARLOTTESVILLE, VA MSA	314	382	449	562	629

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 120685

S T A T E: VIRGINIA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COUNTY(IES): ALBEMARLE, FLUVANNA, GREENE, CHARLOTTESVI					
DANVILLE, VA MSA	202	245	289	361	405
COUNTY(IES): PITTSYLVANIA, DANVILLE					
JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA MSA	227	275	324	405	454
COUNTY(IES): SCOTT, WASHINGTON, BRISTOL					
LYNCHBURG, VA MSA	251	305	359	449	503
COUNTY(IES): AMHERST, CAMPBELL, LYNCHBURG					
NORFOLK-VIRGINIA BEACH-NEWPORT NEWS, VA MSA	286	347	409	511	572
COUNTY(IES): GLOUCESTER, JAMES CITY, YORK, CHESAPEAKE, HAMPTON, NEWPORT NEWS, NORFOLK, POQUOSON, PORTSMOUTH, SUFFOLK VIRGINIA BEA, WILLIAMSBURG					
RICHMOND-PETERSBURG, VA MSA	287	345	404	505	566
COUNTY(IES): CHARLES CITY, CHESTERFIELD, DINWIDDIE, GOOCHLAND, HANOVER, HENRICO, NEW KENT, POWHATAN, PRINCEGEORGE COLONIAL HEI, HOPEWELL, PETERSBURG, RICHMOND					
ROANOKE, VA MSA	252	306	360	451	505
COUNTY(IES): BOTETOURT, ROANOKE, ROANOKE, SALEM					
WASHINGTON, DC-MD-VA MSA	370	450	530	665	745
COUNTY(IES): ARLINGTON, FAIRFAX, LOUDOUN, PRINCEWILLIA, STAFFORD, ALEXANDRIA, FAIRFAX, FALLS CHURCH, MANASSAS MANASSAS PRK					

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ACCOMACK	238	286	333	411	459
AMELIA	208	252	297	371	416
AUGUSTA	251	305	359	449	503
BEDFORD	217	264	311	388	435
BRUNSWICK	197	239	281	352	394
BUCKINGHAM	208	252	297	371	416
CARROLL	212	257	303	379	424
CLARKE	252	306	360	451	505
CULPEPER	262	318	374	468	524
DICKENSON	225	261	308	385	431
FAUQUIER	262	318	374	468	524
FRANKLIN	217	264	311	388	435
GILES	250	304	357	447	500
GREENSVILLE	197	239	281	352	394
HENRY	217	264	311	388	435
ISLE OFWIGHT	203	247	287	359	394
KING GEORGE	297	361	424	530	594
LANCASTER	229	279	328	410	459
LOUISA	266	321	374	468	524
MADISON	266	321	374	468	524
MECKLENBURG	197	239	281	352	394
MONTGOMERY	250	304	357	447	500
NORTHAMPTON	238	286	333	411	459
NOTTOWAY	208	252	297	371	416
PAGE	252	306	360	451	505
PRINCEEDWARD	208	252	297	371	416
RAPPAHANNOCK	262	318	374	468	524
ROCKBRIDGE	251	305	359	449	503
RUSSELL	240	292	343	429	481
SMYTH	212	257	303	379	424
SPOTSLYVANIA	297	361	424	530	594
SUSSEX	197	239	281	352	394
WARREN	252	306	360	451	505
WISE	215	261	308	385	431
BEDFORD	217	264	311	388	435
CLIFTON FORG	251	305	359	449	503
EMPORIA	197	239	281	352	394
FREDERICKBUR	297	361	424	530	594
HARRISONBURG	251	305	359	449	503
MARTINSVILLE	217	264	311	388	435
RADFORD	250	304	357	447	500
STAUNTON	251	305	359	449	503
WINCHESTER	252	306	360	451	505

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALLEGHANY	251	305	359	449	503
APPOMATTOX	254	305	357	447	500
BATH	251	305	359	449	503
BLAND	212	257	303	379	424
BUCHANAN	240	292	343	429	481
CAROLINE	297	361	424	530	594
CHARLOTTE	208	252	297	371	416
CRAIG	270	327	385	482	540
CUMBERLAND	208	252	297	371	416
ESSEX	229	279	328	410	459
FLOYD	250	304	357	447	500
FREDERICK	252	306	360	451	505
GRAYSON	212	257	303	379	424
HALIFAX	208	252	297	371	416
HIGHLAND	251	305	359	449	503
KING + QUEEN	229	279	328	410	459
KING WILLIAM	229	279	328	410	459
LEE	215	261	308	385	431
LUNENBURG	208	252	297	371	416
MATHEWS	229	279	328	410	459
MIDDLESEX	229	279	328	410	459
NELSON	208	252	297	371	416
NORTHUMBERLD	229	279	328	410	459
ORANGE	266	321	374	468	524
PATRICK	217	264	311	388	435
PULASKI	250	304	357	447	500
RICHMOND	229	279	328	410	459
ROCKINGHAM	251	305	359	449	503
SHENANDOAH	252	306	360	451	505
SOUTHAMPTON	203	247	287	359	394
SURRY	203	247	287	359	394
TAZEWELL	240	292	343	429	481
WESTMORELAND	229	279	328	410	459
WYTHE	212	257	303	379	424
BUENA VISTA	251	305	359	449	503
COVINGTON	251	305	359	449	503
FRANKLIN	197	239	281	352	394
GALAX	212	257	303	379	424
LEXINGTON	251	305	359	449	503
NORTON	215	261	308	385	431
SOUTH BOSTON	208	252	297	371	416
WAYNESBORO	251	305	359	449	503

S T A T E: WASHINGTON	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BELLINGHAM, WA MSA	303	368	433	552	607
COUNTY(IES): WHATCOM					
BREMERTON, WA MSA	304	370	435	544	609
COUNTY(IES): KITSAP					
OLYMPIA, WA MSA	315	382	450	563	630

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 120685

S T A T E: WASHINGTON	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COUNTY(IES): THURSTON					
RICHLAND-KENNEWICK-PASCO, WA MSA					
COUNTY(IES): BENTON, FRANKLIN	355	432	508	635	711
SEATTLE, WA PMSA					
COUNTY(IES): KING, SNOHOMISH	325	395	460	595	655
SPOKANE, WA MSA					
COUNTY(IES): SPOKANE	266	315	371	474	525
TACOMA, WA PMSA					
COUNTY(IES): PIERCE	270	325	380	495	550
VANCOUVER, WA PMSA					
COUNTY(IES): CLARK	231	281	330	413	463
YAKIMA, WA MSA					
COUNTY(IES): YAKIMA	277	336	395	494	554

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAMS	226	274	322	403	452	ASOTIN	292	354	417	521	584
CHELAN	249	302	356	445	498	CLALLAM	294	357	420	525	588
COLUMBIA	292	354	417	521	584	COWLITZ	273	332	390	488	547
DOUGLAS	249	302	356	445	498	FERRY	226	274	322	403	452
GARFIELD	292	354	417	521	584	GRANT	226	274	322	403	452
GRAYS HARBOR	294	357	420	525	588	ISLAND	300	364	428	536	600
JEFFERSON	294	357	420	525	588	KITTITAS	249	302	356	445	498
KLICKITAT	273	332	390	488	547	LEWIS	273	332	390	488	547
LINCOLN	226	274	322	403	452	MASON	294	357	420	525	588
OKANOGAN	249	302	356	445	498	PACIFIC	294	357	420	525	588
PEND OREILLE	226	274	322	403	452	SAN JUAN	300	364	428	536	600
SKAGIT	300	364	428	536	600	SKAMANIA	273	332	390	488	547
STEVENS	226	274	322	403	452	WAHKIAKUM	273	332	390	488	547
WALLA WALLA	292	354	417	521	584	WHITMAN	292	354	417	521	584

S T A T E: WEST VIRGINIA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHARLESTON, WV MSA					
COUNTY(IES): KANAWHA, PUTNAM	325	394	464	580	650
CUMBERLAND, MD-WV MSA					
COUNTY(IES): MINERAL	200	243	286	358	401
HUNTINGTON-ASHLAND, WV-KY-OH MSA					
COUNTY(IES): CABELL, WAYNE	266	323	380	475	533
PARKERSBURG-MARIETTA, WV-OH MSA					
COUNTY(IES): WOOD	247	300	353	442	495
STEUBENVILLE-WEIRTON, OH-WV MSA					
COUNTY(IES): BROOKE, HANCOCK	254	308	362	453	508
WHEELING, WV-OH MSA					
COUNTY(IES): MARSHALL, OHIO	250	304	358	448	501

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BARBOUR	204	248	292	365	409	BERKELEY	224	272	320	400	448
BOONE	314	381	449	561	628	BRAXTON	204	248	292	365	409
CALHOUN	233	283	334	417	467	CLAY	314	381	449	561	628
DODDRIDGE	228	277	326	407	456	FAYETTE	214	260	306	382	428
GILMER	204	248	292	365	409	GRANT	224	272	320	400	448
GREENBRIER	214	260	306	382	428	HAMPSHIRE	224	272	320	400	448
HARDY	224	272	320	400	448	HARRISON	228	277	326	407	456
JACKSON	233	283	334	417	467	JEFFERSON	224	272	320	400	448
LEWIS	204	248	292	365	409	LINCOLN	225	272	320	400	448
LOGAN	225	272	320	400	448	MCDOWELL	217	264	310	388	435
MARION	275	334	393	491	550	MASON	225	272	320	400	448
MERCER	220	268	315	394	441	MINGO	225	272	320	400	448
MONONGALIA	275	334	393	491	550	MONROE	225	270	315	394	441
MORGAN	224	272	320	400	448	NICHOLAS	214	260	306	382	428
PENDLETON	224	272	320	400	448	PLEASANTS	236	286	334	417	467
POCAHONTAS	214	260	306	382	428	PRESTON	275	334	393	491	550
RALEIGH	225	270	311	388	435	RANDOLPH	204	248	292	365	409
RITCHIE	236	286	334	417	467	ROANE	233	283	334	417	467
SUMMERS	225	270	315	394	441	TAYLOR	228	277	326	407	456
TUCKER	204	248	292	365	409	TYLER	233	283	334	417	467
UPSHUR	204	248	292	365	409	WEBSTER	214	260	306	382	428
WETZEL	266	323	380	475	533	WIRT	233	283	334	417	467
WYOMING	225	270	311	388	435						

S T A T E: WISCONSIN	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
APPLETON-OSHKOSH-NEENAH, WI MSA	246	299	352	440	493

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 120685

S T A T E: WISCONSIN

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COUNTY(IES): CALUMET, OUTAGAMIE, WINNEBAGO					
DULUTH, MN-WI MSA					
COUNTY(IES): DOUGLAS	270	322	379	474	531
EAU CLAIRE, WI MSA					
COUNTY(IES): CHIPPEWA, EAU CLAIRE	244	297	349	437	489
GREEN BAY, WI MSA					
COUNTY(IES): BROWN	246	299	354	440	493
JANESVILLE-BELOIT, WI MSA					
COUNTY(IES): ROCK	272	331	389	487	545
KENOSHA, WI PMSA					
COUNTY(IES): KENOSHA	284	345	406	508	569
LA CROSSE, WI MSA					
COUNTY(IES): LA CROSSE	290	352	415	519	581
MADISON, WI MSA					
COUNTY(IES): DANE	280	340	400	505	565
MILWAUKEE, WI PMSA					
COUNTY(IES): MILWAUKEE, OZAUKEE, WASHINGTON, WAUKESHA	296	359	423	528	592
MINNEAPOLIS-ST. PAUL, MN-WI MSA					
COUNTY(IES): ST CROIX	335	405	480	600	670
RACINE, WI PMSA					
COUNTY(IES): RACINE	281	341	401	502	562
SHEBOYGAN, WI MSA					
COUNTY(IES): SHEBOYGAN	252	306	360	450	504
WAUSAU, WI MSA					
COUNTY(IES): MARATHON	246	299	352	440	493

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAMS	251	304	358	448	502	ASHLAND	220	268	315	394	441
BARRON	239	290	342	427	479	BAYFIELD	220	268	315	394	441
BUFFALO	227	275	324	405	454	BURNETT	220	268	315	394	441
CLARK	239	290	342	427	479	COLUMBIA	229	278	327	409	458
CRAWFORD	278	337	397	496	556	DODGE	229	278	327	409	458
DOOR	226	272	319	394	440	DUNN	239	290	342	427	479
FLORENCE	216	263	309	386	433	FOND DU LAC	249	302	352	440	493
FOREST	234	284	334	418	468	GRANT	226	274	322	403	452
GREEN	234	284	332	412	457	GREEN LAKE	246	299	352	440	493
IOWA	226	274	322	403	452	IRON	220	268	315	394	441
JACKSON	227	275	324	405	454	JEFFERSON	262	318	375	468	525
JUNEAU	251	304	358	448	502	KEWAUNEE	226	272	319	394	440
LAFAYETTE	226	274	322	403	452	LANGLADE	234	284	334	418	468
LINCOLN	234	284	334	418	468	MANITOWOC	226	272	319	394	440
MARINETTE	220	265	311	388	433	MARQUETTE	220	268	315	394	441
MENOMINEE	220	268	315	394	441	MONROE	227	275	324	405	454
OCONTO	216	263	309	386	433	ONEIDA	234	284	334	418	468
PEPIN	227	275	324	405	454	PIERCE	227	275	324	405	454
POLK	239	290	342	427	479	PORTAGE	251	304	358	448	502
PRICE	220	268	315	394	441	RICHLAND	226	274	322	403	452
RUSK	220	268	315	394	441	SAUK	229	278	327	409	458
SAWYER	220	268	315	394	441	SHAWANO	220	268	315	394	441
TAYLOR	220	268	315	394	441	TREMPEALEAU	227	275	324	405	454
VERNON	278	337	397	496	556	VILAS	234	284	334	418	468
WALWORTH	262	318	375	468	525	WASHBURN	220	268	315	394	441
WAUPACA	220	268	315	394	441	WAUSHARA	220	268	315	394	441
WOOD	251	304	358	448	502						

S T A T E: WYOMING

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CASPER, WY MSA					
COUNTY(IES): NATRONA	350	425	500	625	700
CHEYENNE, WY MSA					
COUNTY(IES): LARAMIE	290	350	415	520	580

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALBANY	225	275	325	405	450	BIG HORN	230	280	330	410	460
CAMPBELL	225	275	325	405	450	CARBON	225	275	325	405	450
CONVERSE	225	275	325	405	450	CROOK	225	280	330	410	460
FREMONT	225	275	325	405	450	GOSHEN	225	275	325	405	450
HOT SPRINGS	230	280	330	410	460	JOHNSON	225	275	325	405	450
LINCOLN	225	275	325	405	450	NIOBRARA	225	275	325	405	450
PARK	230	280	330	410	460	PLATTE	225	275	325	405	450

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 120685

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 120685

STATE: WYOMING

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SHERIDAN	310	380	445	555	625
SWEETWATER	225	275	325	405	450
UINTA	225	275	325	405	450
WESTON	230	280	330	410	460
SUBLETTE	225	275	325	405	450
TETON	295	355	420	525	590
WASHAKIE	230	280	330	410	460

STATE: GUAM

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
GUAM	365	440	520	650	730

STATE: PUERTO RICO

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
AGUADILLA, PR MSA	225	275	325	405	455
ARECIBO, PR MSA	330	400	470	590	660
CAGUAS, PR PMSA	275	330	390	490	545
MAYAGUEZ, PR MSA	225	275	325	405	455
PONCE, PR MSA	320	390	460	575	645
SAN JUAN, PR PMSA	320	390	460	575	645

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALL OTHER	215	265	310	390	435

STATE: VIRGIN ISLANDS

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
-CHAR.AMALIE	355	435	510	640	715
ST. THOMAS	335	410	480	600	670
ST. CROIX	300	365	430	540	600

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 120985

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
NON METRO STATE: ALABAMA	62	70
MSA: ANNISTON, AL	65	71
MSA: BIRMINGHAM, AL	90	99
MSA: COLUMBUS, GA-AL	82	90
MSA: DOTHAN, AL	60	68
MSA: FLORENCE, AL	71	77
MSA: GADSDEN, AL	65	71
MSA: HUNTSVILLE, AL	90	99
MSA: MOBILE, AL	72	78
MSA: MONTGOMERY, AL	72	77
MSA: TUSCALOOSA, AL	84	95
EXCEPTION COUNTY: LIMESTONE	81	89
EXCEPTION COUNTY: MARSHALL	81	89
NON METRO STATE: ALASKA	202	202
MSA: ANCHORAGE, AK	224	224
EXCEPTION COUNTY: KETCHIKAN	202	214
NON METRO STATE: ARIZONA	83	106
MSA: PHOENIX, AZ	115	137
MSA: TUCSON, AZ	83	115
NON METRO STATE: ARKANSAS	36	40
MSA: FAYETTEVILLE-SPRINGDALE, AR	57	61
MSA: FORT SMITH, AR-OK	33	36
MSA: LITTLE ROCK-NORTH LITTLE ROCK, AR	48	50
MSA: MEMPHIS, TN-AR-MS	83	83
MSA: PINE BLUFF, AR	26	28
MSA: TEXARKANA, TX-TEXARKANA, AR	98	110
EXCEPTION COUNTY: BENTON	53	55
EXCEPTION COUNTY: LITTLE RIVER	88	99
NON METRO STATE: CALIFORNIA	130	170
PMSA: ANAHEIM-SANTA ANA, CA	253	253
MSA: BAKERSFIELD, CA	122	185
MSA: CHICO, CA	130	170
MSA: FRESNO, CA	185	208
PMSA: LOS ANGELES-LONG BEACH, CA	144	240
MSA: MODESTO, CA	193	208
PMSA: OAKLAND, CA	199	260
PMSA: OXNARD-VENTURA, CA	160	278

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 120985

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MSA: REDDING, CA	130	170
PMSA: RIVERSIDE-SAN BERNARDINO, CA	122	193
MSA: SACRAMENTO, CA	149	178
MSA: SALINAS-SEASIDE-MONTEREY, CA	185	232
MSA: SAN DIEGO, CA	185	232
PMSA: SAN FRANCISCO, CA	214	278
PMSA: SAN JOSE, CA	230	289
MSA: SANTA BARBARA-SANTA MARIA-LOMPOC, CA	153	232
PMSA: SANTA CRUZ, CA	185	232
PMSA: SANTA ROSA-PETALUMA, CA	185	223
MSA: STOCKTON, CA	193	208
PMSA: VALLEJO-FAIRFIELD-NAPA, CA	176	200
MSA: VISALIA-TULARE-PORTERVILLE, CA	130	170
MSA: YUBA CITY, CA	130	170
EXCEPTION COUNTY: SAN LUIS OBI	177	208
NON METRO STATE: COLORADO	N/A	N/A
PMSA: BOULDER-LONGMONT, CO	186	214
MSA: COLORADO SPRINGS, CO	122	137
PMSA: DENVER, CO	199	229
MSA: FORT COLLINS-LOVELAND, CO	115	130
MSA: GREELEY, CO	115	130
MSA: PUEBLO, CO	115	130
EXCEPTION COUNTY: ALAMOSA	97	115
EXCEPTION COUNTY: ARCHULETA	115	130
EXCEPTION COUNTY: BACA	97	115
EXCEPTION COUNTY: BENT	97	115
EXCEPTION COUNTY: CHAFFEE	115	130
EXCEPTION COUNTY: CHEYENNE	97	115
EXCEPTION COUNTY: CLEAR CREEK	115	130
EXCEPTION COUNTY: CONEJOS	97	115
EXCEPTION COUNTY: COSTILLA	97	115
EXCEPTION COUNTY: CROWLEY	97	115
EXCEPTION COUNTY: CUSTER	115	130
EXCEPTION COUNTY: DELTA	115	130
EXCEPTION COUNTY: DELORES	115	130
EXCEPTION COUNTY: EAGLE	186	208
EXCEPTION COUNTY: ELBERT	97	115
EXCEPTION COUNTY: FREMONT	115	130
EXCEPTION COUNTY: GARFIELD	186	208
EXCEPTION COUNTY: GILPIN	164	189
EXCEPTION COUNTY: GRAND	115	130
EXCEPTION COUNTY: GUNNISON	115	130
EXCEPTION COUNTY: HINSDALE	115	130
EXCEPTION COUNTY: HUERFANO	97	115

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 120985

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: JACKSON	115	130
EXCEPTION COUNTY: KIOWA	97	115
EXCEPTION COUNTY: KIT CARSON	97	115
EXCEPTION COUNTY: LAKE	115	130
EXCEPTION COUNTY: LA PLATA	115	130
EXCEPTION COUNTY: LAS ANIMAS	97	115
EXCEPTION COUNTY: LINCOLN	97	115
EXCEPTION COUNTY: LOGAN	97	115
EXCEPTION COUNTY: MESA	115	130
EXCEPTION COUNTY: MINERAL	97	115
EXCEPTION COUNTY: MOFFAT	186	208
EXCEPTION COUNTY: MONTEZUMA	115	130
EXCEPTION COUNTY: MONTROSE	115	130
EXCEPTION COUNTY: MORGAN	97	115
EXCEPTION COUNTY: OTERO	97	115
EXCEPTION COUNTY: OURAY	115	130
EXCEPTION COUNTY: PARK	115	130
EXCEPTION COUNTY: PHILLIPS	97	115
EXCEPTION COUNTY: PITKIN	186	208
EXCEPTION COUNTY: PROWERS	97	115
EXCEPTION COUNTY: RIO BLANCO	186	208
EXCEPTION COUNTY: RIO GRANDE	97	115
EXCEPTION COUNTY: ROUTT	186	208
EXCEPTION COUNTY: SAGUACHE	97	115
EXCEPTION COUNTY: SAN JUAN	115	130
EXCEPTION COUNTY: SAN MIGUEL	115	130
EXCEPTION COUNTY: SEDGWICK	97	115
EXCEPTION COUNTY: SUMMIT	186	208
EXCEPTION COUNTY: TELLER	101	115
EXCEPTION COUNTY: WASHINGTON	97	115
EXCEPTION COUNTY: YUMA	97	115
NON METRO STATE: CONNECTICUT	113	113
PMSA: BRIDGEPORT-MILFORD, CT	141	141
PMSA: BRISTOL, CT	113	113
PMSA: DANBURY, CT	108	108
PMSA: HARTFORD, CT	123	123
PMSA: MIDDLETOWN, CT	123	123
PMSA: NEW BRITAIN, CT	123	123
MSA: NEW HAVEN-MERIDEN, CT	110	110
MSA: NEW LONDON-NORWICH, CT-RI	105	105
PMSA: NORWALK, CT	132	132
PMSA: STAMFORD, CT	132	132
MSA: WATERBURY, CT	113	113
NON METRO STATE: DELAWARE	63	63

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 120985

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
PMSA: WILMINGTON, DE-NJ-MD	103	103
NON METRO STATE: DIST. OF COLUMBIA	143	143
MSA: WASHINGTON, DC-MD-VA	143	143
NON METRO STATE: FLORIDA	77	77
MSA: BRADENTON, FL	110	110
MSA: DAYTONA BEACH, FL	98	98
PMSA: FORT LAUDERDALE-HOLLYWOOD-POMPANO BEACH, FL	164	164
MSA: FORT MYERS-CAPE CORAL, FL	103	103
MSA: FORT PIERCE, FL	75	75
MSA: FORT WALTON BEACH, FL	77	77
MSA: GAINESVILLE, FL	77	77
MSA: JACKSONVILLE, FL	71	83
MSA: LAKELAND-WINTER HAVEN, FL	77	77
MSA: MELBOURNE-TITUSVILLE-PALM BAY, FL	90	90
PMSA: MIAMI-HIALEAH, FL	130	130
MSA: NAPLES, FL	77	77
MSA: OCALA, FL	77	77
MSA: ORLANDO, FL	90	90
MSA: PANAMA CITY, FL	77	77
MSA: PENSACOLA, FL	77	77
MSA: SARASOTA, FL	103	103
MSA: TALLAHASSEE, FL	71	71
MSA: TAMPA-ST. PETERSBURG-CLEARWATER, FL	103	103
MSA: WEST PALM BEACH-BOCA RATON-DELRAY BEACH, FL	130	130
EXCEPTION COUNTY: BAKER	69	81
EXCEPTION COUNTY: WAKULLA	69	81
NON METRO STATE: GEORGIA	56	56
MSA: ALBANY, GA	49	52
MSA: ATHENS, GA	56	56
MSA: ATLANTA, GA	81	87
MSA: AUGUSTA, GA-SC	75	77
MSA: CHATTANOOGA, TN-GA	49	71
MSA: COLUMBUS, GA-AL	82	90
MSA: MACON-WARNER ROBINS, GA	50	55
MSA: SAVANNAH, GA	63	71
EXCEPTION COUNTY: BRYAN	57	64
EXCEPTION COUNTY: TWIGGS	49	54
NON METRO STATE: HAWAII	N/A	N/A

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 120985

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MSA: HONOLULU, HI	N/A	N/A
NON METRO STATE: IDAHO	97	97
MSA: BOISE CITY, ID	104	121
NON METRO STATE: ILLINOIS	93	99
PMSA: AURORA-ELGIN, IL	178	191
MSA: BLOOMINGTON-NORMAL, IL	104	104
MSA: CHAMPAIGN-URBANA-RANTOUL, IL	85	85
PMSA: CHICAGO, IL	187	200
MSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL	113	119
MSA: DECATUR, IL	113	113
PMSA: JOLIET, IL	187	200
MSA: KANKAKEE, IL	83	83
PMSA: LAKE COUNTY, IL	178	191
MSA: PEORIA, IL	153	168
MSA: ROCKFORD, IL	150	161
MSA: ST. LOUIS, MO-IL	86	99
MSA: SPRINGFIELD, IL	99	106
NON METRO STATE: INDIANA	51	66
MSA: ANDERSON, IN	57	57
MSA: BLOOMINGTON, IN	54	54
PMSA: CINCINNATI, OH-KY-IN	99	104
MSA: ELKHART-GOSHEN, IN	74	74
MSA: EVANSVILLE, IN-KY	67	72
MSA: FORT WAYNE, IN	64	85
PMSA: GARY-HAMMOND, IN	90	105
MSA: INDIANAPOLIS, IN	80	91
MSA: KOKOMO, IN	74	84
MSA: LAFAYETTE-WEST LAFAYETTE, IN	68	100
MSA: LOUISVILLE, KY-IN	73	80
MSA: MUNCIE, IN	55	62
MSA: SOUTH BEND-MISHAWAKA, IN	84	88
MSA: TERRE HAUTE, IN	54	66
EXCEPTION COUNTY: ADAMS	57	75
EXCEPTION COUNTY: BLACKFORD	58	66
EXCEPTION COUNTY: GIBSON	60	66
EXCEPTION COUNTY: GRANT	58	66
EXCEPTION COUNTY: HENRY	58	66
EXCEPTION COUNTY: JAY	58	66
EXCEPTION COUNTY: MARSHALL	74	78
EXCEPTION COUNTY: RANDOLPH	58	66

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: SULLIVAN	52	63
EXCEPTION COUNTY: VERMILLION	52	63
EXCEPTION COUNTY: WAYNE	58	66
EXCEPTION COUNTY: WELLS	57	75
NON METRO STATE: IOWA	80	86
MSA: CEDAR RAPIDS, IA	91	106
MSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL	113	119
MSA: DES MOINES, IA	97	104
MSA: DUBUQUE, IA	91	112
MSA: IOWA CITY, IA	91	104
MSA: OMAHA, NE-IA	86	99
MSA: SIOUX CITY, IA-NE	88	88
MSA: WATERLOO-CEDAR FALLS, IA	91	106
NON METRO STATE: KANSAS	70	80
MSA: KANSAS CITY, MO-KS	87	106
MSA: LAWRENCE, KS	72	82
MSA: TOPEKA, KS	70	80
MSA: WICHITA, KS	82	87
EXCEPTION COUNTY: JEFFERSON	67	77
EXCEPTION COUNTY: OSAGE	67	77
NON METRO STATE: KENTUCKY	68	74
PMSA: CINCINNATI, OH-KY-IN	99	104
MSA: CLARKSVILLE-HOPKINSVILLE, TN-KY	71	77
MSA: EVANSVILLE, IN-KY	67	72
MSA: HUNTINGTON-ASHLAND, WV-KY-OH	77	77
MSA: LEXINGTON-FAYETTE, KY	84	96
MSA: LOUISVILLE, KY-IN	73	80
MSA: OWENSBORO, KY	78	92
NON METRO STATE: LOUISIANA	72	84
MSA: ALEXANDRIA, LA	71	83
MSA: BATON ROUGE, LA	83	98
MSA: HOUMA-THIBODAUX, LA	70	82
MSA: LAFAYETTE, LA	77	90
MSA: LAKE CHARLES, LA	82	96
MSA: MONROE, LA	71	83
MSA: NEW ORLEANS, LA	87	101
MSA: SHREVEPORT, LA	77	90
EXCEPTION COUNTY: GRANT	69	81

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 120985

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: WEBSTER	72	84
NON METRO STATE: MAINE	100	115
MSA: BANGOR, ME	100	115
MSA: LEWISTON-AUBURN, ME	77	77
MSA: PORTLAND, ME	124	141
MSA: PORTSMOUTH-DOVER-ROCHESTER, NH-ME	100	115
NON METRO STATE: MARYLAND	111	111
MSA: BALTIMORE, MD	159	159
MSA: CUMBERLAND, MD-WV	111	111
MSA: HAGERSTOWN, MD	139	139
MSA: WASHINGTON, DC-MD-VA	143	143
PMSA: WILMINGTON, DE-NJ-MD	103	103
EXCEPTION COUNTY: ST MARYS	152	152
NON METRO STATE: MASSACHUSETTS	123	123
PMSA: BOSTON, MA	114	123
PMSA: BROCKTON, MA	114	114
PMSA: FALL RIVER, MA-RI	77	77
MSA: FITCHBURG-LEOMINSTER, MA	92	92
PMSA: LAWRENCE-HAVERHILL, MA-NH	108	115
PMSA: LOWELL, MA-NH	108	115
MSA: NEW BEDFORD, MA	106	106
PMSA: PAWTUCKET-WOONSOCKET-ATTLEBORO, RI-MA	105	105
MSA: PITTSFIELD, MA	114	114
PMSA: SALEM-GLOUCESTER, MA	114	123
MSA: SPRINGFIELD, MA	90	90
MSA: WORCESTER, MA	79	79
NON METRO STATE: MICHIGAN	99	111
PMSA: ANN ARBOR, MI	134	145
MSA: BATTLE CREEK, MI	86	99
MSA: BENTON HARBOR, MI	99	111
PMSA: DETROIT, MI	131	140
MSA: FLINT, MI	121	121
MSA: GRAND RAPIDS, MI	91	98
MSA: JACKSON, MI	99	99
MSA: KALAMAZOO, MI	105	108
MSA: LANSING-EAST LANSING, MI	116	134
MSA: MUSKEGON, MI	91	93
MSA: SAGINAW-BAY CITY-MIDLAND, MI	106	106

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: BARRY	82	95
EXCEPTION COUNTY: IONIA	103	118
EXCEPTION COUNTY: OCEANA	87	89
EXCEPTION COUNTY: SHIAWASSEE	115	115
EXCEPTION COUNTY: VAN BUREN	99	103
NON METRO STATE: MINNESOTA	72	72
MSA: DULUTH, MN-WI	74	83
MSA: FARGO-MOORHEAD, ND-MN	112	127
MSA: MINNEAPOLIS-ST. PAUL, MN-WI	141	141
MSA: ROCHESTER, MN	103	103
MSA: ST. CLOUD, MN	91	91
EXCEPTION COUNTY: POLK	86	106
NON METRO STATE: MISSISSIPPI	72	84
MSA: BILOXI-GULFPORT, MS	83	98
MSA: JACKSON, MS	90	110
MSA: MEMPHIS, TN-AR-MS	83	83
MSA: PASCAGOULA, MS	71	83
EXCEPTION COUNTY: STONE	76	88
NON METRO STATE: MISSOURI	56	63
MSA: COLUMBIA, MO	80	86
MSA: JOPLIN, MO	56	63
MSA: KANSAS CITY, MO-KS	87	106
MSA: ST. JOSEPH, MO	82	88
MSA: ST. LOUIS, MO-IL	86	99
MSA: SPRINGFIELD, MO	58	64
EXCEPTION COUNTY: ANDREW	78	84
NON METRO STATE: MONTANA	N/A	N/A
MSA: BILLINGS, MT	144	160
MSA: GREAT FALLS, MT	122	137
EXCEPTION COUNTY: BEAVERHEAD	115	130
EXCEPTION COUNTY: BIG HORN	115	130
EXCEPTION COUNTY: BLAINE	83	97
EXCEPTION COUNTY: BROADWATER	115	130
EXCEPTION COUNTY: CARBON	115	130
EXCEPTION COUNTY: CARTER	83	97
EXCEPTION COUNTY: CHOUTEAU	83	97
EXCEPTION COUNTY: CUSTER	115	130
EXCEPTION COUNTY: DANIELS	83	97

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 120985

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: DAWSON	115	130
EXCEPTION COUNTY: DEER LODGE	115	130
EXCEPTION COUNTY: FALLON	83	97
EXCEPTION COUNTY: FERGUS	83	97
EXCEPTION COUNTY: FLATHEAD	115	130
EXCEPTION COUNTY: GALLATIN	115	130
EXCEPTION COUNTY: GARFIELD	83	97
EXCEPTION COUNTY: GLACIER	83	97
EXCEPTION COUNTY: GOLDEN VALLE	83	97
EXCEPTION COUNTY: GRANITE	115	130
EXCEPTION COUNTY: HILL	83	97
EXCEPTION COUNTY: JEFFERSON	115	130
EXCEPTION COUNTY: JUDITH BASIN	83	97
EXCEPTION COUNTY: LAKE	115	130
EXCEPTION COUNTY: LEWIS+ CLARK	115	130
EXCEPTION COUNTY: LIBERTY	83	97
EXCEPTION COUNTY: LINCOLN	115	130
EXCEPTION COUNTY: MCCONE	83	97
EXCEPTION COUNTY: MADISON	115	130
EXCEPTION COUNTY: MEAGHER	115	130
EXCEPTION COUNTY: MINERAL	115	130
EXCEPTION COUNTY: MISSOULA	115	130
EXCEPTION COUNTY: MUSSELSHELL	115	130
EXCEPTION COUNTY: PARK	115	130
EXCEPTION COUNTY: PETROLEUM	83	97
EXCEPTION COUNTY: PHILLIPS	83	97
EXCEPTION COUNTY: PONDERA	83	97
EXCEPTION COUNTY: POWDER RIVER	115	130
EXCEPTION COUNTY: POWELL	115	130
EXCEPTION COUNTY: PRAIRIE	83	97
EXCEPTION COUNTY: RAVALLI	115	130
EXCEPTION COUNTY: RICHLAND	83	97
EXCEPTION COUNTY: ROOSEVELT	83	97
EXCEPTION COUNTY: ROSEBUD	115	130
EXCEPTION COUNTY: SANDERS	115	130
EXCEPTION COUNTY: SHERIDAN	83	97
EXCEPTION COUNTY: SILVER BOW	115	130
EXCEPTION COUNTY: STILLWATER	83	97
EXCEPTION COUNTY: SWEET GRASS	83	97
EXCEPTION COUNTY: TETON	83	97
EXCEPTION COUNTY: TOOLE	83	97
EXCEPTION COUNTY: TREASURE	115	130
EXCEPTION COUNTY: VALLEY	83	97
EXCEPTION COUNTY: WHEATLAND	83	97
EXCEPTION COUNTY: WIBAUX	83	97
EXCEPTION COUNTY: YL-ST-NT-PK	115	130

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 120985

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
NON METRO STATE: NEBRASKA	73	89
MSA: LINCOLN, NE	98	104
MSA: OMAHA, NE-IA	86	99
MSA: SIOUX CITY, IA-NE	88	88
NON METRO STATE: NEVADA	92	106
MSA: LAS VEGAS, NV	193	215
MSA: RENO, NV	193	215
NON METRO STATE: NEW HAMPSHIRE	91	100
PMSA: LAWRENCE-HAVERHILL, MA-NH	108	115
PMSA: LOWELL, MA-NH	108	115
MSA: MANCHESTER, NH	104	113
PMSA: NASHUA, NH	123	123
MSA: PORTSMOUTH-DOVER-ROCHESTER, NH-ME	100	115
NON METRO STATE: NEW JERSEY	94	94
MSA: ALLENTOWN-BETHLEHEM, PA-NJ	92	92
MSA: ATLANTIC CITY, NJ	143	143
PMSA: BERGEN-PASSAIC, NJ	190	191
PMSA: JERSEY CITY, NJ	183	183
PMSA: MIDDLESEX-SOMERSET-HUNTERDON, NJ	215	215
PMSA: MONMOUTH-OCEAN, NJ	165	199
PMSA: NEWARK, NJ	178	183
PMSA: PHILADELPHIA, PA-NJ	163	163
PMSA: TRENTON, NJ	145	145
PMSA: VINELAND-MILLVILLE-BRIDGETON, NJ	128	128
PMSA: WILMINGTON, DE-NJ-MD	103	103
NON METRO STATE: NEW MEXICO	87	99
MSA: LAS CRUCES, NM	87	99
MSA: ALBUQUERQUE, NM	97	112
MSA: SANTA FE, NM	87	99
EXCEPTION COUNTY: SANDOVAL	92	104
NON METRO STATE: NEW YORK	108	108
MSA: ALBANY-SCHENECTADY-TROY, NY	123	123
MSA: BINGHAMTON, NY	81	81
PMSA: BUFFALO, NY	108	108
MSA: ELMIRA, NY	87	87

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SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 120985

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MSA: GLENS FALLS, NY	108	108
PMSA: NASSAU-SUFFOLK, NY	145	187
PMSA: NEW YORK, NY	151	151
PMSA: NIAGARA FALLS, NY	104	104
PMSA: ORANGE COUNTY, NY	104	104
MSA: POUGHKEEPSIE, NY	139	139
MSA: ROCHESTER, NY	123	123
MSA: SYRACUSE, NY	100	100
MSA: UTICA-ROME, NY	92	92
NON METRO STATE: NORTH CAROLINA	50	63
MSA: ASHEVILLE, NC	71	83
MSA: BURLINGTON, NC	71	83
MSA: CHARLOTTE-GASTONIA-ROCK HILL, NC-SC	71	83
MSA: FAYETTEVILLE, NC	71	83
MSA: GREENSBORO--WINSTON-SALEM--HIGH POINT, NC	71	83
MSA: HICKORY, NC	50	63
MSA: JACKSONVILLE, NC	50	63
MSA: RALEIGH-DURHAM, NC	71	83
MSA: WILMINGTON, NC	71	83
EXCEPTION COUNTY: BRUNSWICK	64	76
EXCEPTION COUNTY: CURRITUCK	101	101
EXCEPTION COUNTY: MADISON	64	76
NON METRO STATE: NORTH DAKOTA	90	104
MSA: BISMARCK, ND	128	141
MSA: FARGO-MOORHEAD, ND-MN	112	127
MSA: GRAND FORKS, ND	97	120
NON METRO STATE: OHIO	65	65
PMSA: AKRON, OH	99	99
MSA: CANTON, OH	70	70
PMSA: CINCINNATI, OH-KY-IN	99	104
PMSA: CLEVELAND, OH	106	106
MSA: COLUMBUS, OH	91	106
MSA: DAYTON-SPRINGFIELD, OH	70	70
PMSA: HAMILTON-MIDDLETOWN, OH	80	83
MSA: HUNTINGTON-ASHLAND, WV-KY-OH	77	77
MSA: LIMA, OH	91	91
PMSA: LORAIN-ELYRIA, OH	113	113
MSA: MANSFIELD, OH	86	86
MSA: PARKERSBURG-MARIETTA, WV-OH	77	77
MSA: STEUBENVILLE-WEIRTON, OH-WV	68	68

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 120985

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MSA: TOLEDO, OH	113	153
MSA: WHEELING, WV-OH	71	71
MSA: YOUNGSTOWN-WARREN, OH	86	86
EXCEPTION COUNTY: CHAMPAIGN	65	78
EXCEPTION COUNTY: OTTAWA	100	134
EXCEPTION COUNTY: PREBLE	65	65
EXCEPTION COUNTY: PUTNAM	81	81
EXCEPTION COUNTY: VAN WERT	81	81
NON METRO STATE: OKLAHOMA	69	75
MSA: ENID, OK	69	75
MSA: FORT SMITH, AR-OK	33	36
MSA: LAWTON, OK	70	77
MSA: OKLAHOMA CITY, OK	72	80
MSA: TULSA, OK	77	83
EXCEPTION COUNTY: LE FLORE	32	35
EXCEPTION COUNTY: MAYES	70	76
NON METRO STATE: OREGON	123	130
MSA: EUGENE-SPRINGFIELD, OR	144	148
MSA: MEDFORD, OR	123	130
PMSA: PORTLAND, OR	169	187
MSA: SALEM, OR	144	148
NON METRO STATE: PENNSYLVANIA	65	65
MSA: ALLENTOWN-BETHLEHEM, PA-NJ	92	92
MSA: ALTOONA, PA	84	84
PMSA: BEAVER COUNTY, PA	77	77
MSA: ERIE, PA	84	84
MSA: HARRISBURG-LEBANON-CARLISLE, PA	95	95
MSA: JOHNSTOWN, PA	84	84
MSA: LANCASTER, PA	88	88
PMSA: PHILADELPHIA, PA-NJ	163	163
PMSA: PITTSBURGH, PA	80	80
MSA: READING, PA	88	88
MSA: SCRANTON--WILKES-BARRE, PA	84	84
MSA: SHARON, PA	65	65
MSA: STATE COLLEGE, PA	65	65
MSA: WILLIAMSPORT, PA	65	65
MSA: YORK, PA	88	88
EXCEPTION COUNTY: SUSQUEHANNA	70	70
NON METRO STATE: RHODE ISLAND	100	100

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SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 120985

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
PMSA: FALL RIVER, MA-RI	77	77
MSA: NEW LONDON-NORWICH, CT-RI	105	105
PMSA: PAWTUCKET-WOONSOCKET-ATTLEBORO, RI-MA	105	105
PMSA: PROVIDENCE, RI	105	105
NON METRO STATE: SOUTH CAROLINA	56	56
MSA: ANDERSON, SC	56	56
MSA: AUGUSTA, GA-SC	75	77
MSA: CHARLESTON, SC	71	71
MSA: CHARLOTTE-GASTONIA-ROCK HILL, NC-SC	71	83
MSA: COLUMBIA, SC	63	71
MSA: FLORENCE, SC	56	56
MSA: GREENVILLE-SPARTANBURG, SC	63	63
NON METRO STATE: SOUTH DAKOTA	77	90
MSA: RAPID CITY, SD	77	90
MSA: SIOUX FALLS, SD	108	121
NON METRO STATE: TENNESSEE	56	56
MSA: CHATTANOOGA, TN-GA	49	71
MSA: CLARKSVILLE-HOPKINSVILLE, TN-KY	71	77
MSA: JACKSON, TN	56	56
MSA: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA	77	77
MSA: KNOXVILLE, TN	63	63
MSA: MEMPHIS, TN-AR-MS	83	83
MSA: NASHVILLE, TN	83	98
NON METRO STATE: TEXAS	61	75
NON METRO STATE: TEXAS	61	75
MSA: ABILENE, TX	52	59
MSA: AMARILLO, TX	96	101
MSA: AUSTIN, TX	87	103
MSA: BEAUMONT-PORT ARTHUR, TX	90	103
PMSA: BRAZORIA, TX	106	124
MSA: BROWNSVILLE-HARLINGEN, TX	71	83
MSA: BRYAN-COLLEGE STATION, TX	87	98
MSA: CORPUS CHRISTI, TX	75	98
PMSA: DALLAS, TX	77	98
MSA: EL PASO, TX	100	113
PMSA: FORT WORTH-ARLINGTON, TX	77	98

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 120985

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
PMSA: GALVESTON-TEXAS CITY, TX	103	116
PMSA: HOUSTON, TX	110	129
MSA: KILLEEN-TEMPLE, TX	90	98
MSA: LAREDO, TX	63	77
MSA: LONGVIEW-MARSHALL, TX	83	95
MSA: LUBBOCK, TX	95	98
MSA: MC ALLEN-EDINBURG-MISSION, TX	82	98
MSA: MIDLAND, TX	98	103
MSA: ODESSA, TX	98	103
MSA: SAN ANGELO, TX	83	90
MSA: SAN ANTONIO, TX	71	83
MSA: SHERMAN-DENISON, TX	77	90
MSA: TEXARKANA, TX-TEXARKANA, AR	98	110
MSA: TYLER, TX	77	81
MSA: VICTORIA, TX	61	75
MSA: WACO, TX	80	90
MSA: WICHITA FALLS, TX	56	63
EXCEPTION COUNTY: CALLAHAN	51	57
EXCEPTION COUNTY: CLAY	55	61
EXCEPTION COUNTY: HOOD	70	88
EXCEPTION COUNTY: JONES	51	57
EXCEPTION COUNTY: WISE	70	88
NON METRO STATE: UTAH	N/A	N/A
MSA: PROVO-OREM, UT	115	130
MSA: SALT LAKE CITY-OGDEN, UT	130	144
EXCEPTION COUNTY: BEAVER	83	97
EXCEPTION COUNTY: BOX ELDER	83	97
EXCEPTION COUNTY: CACHE	83	97
EXCEPTION COUNTY: CARBON	115	130
EXCEPTION COUNTY: DAGGETT	83	97
EXCEPTION COUNTY: DUCHESNE	83	97
EXCEPTION COUNTY: EMERY	115	130
EXCEPTION COUNTY: GARFIELD	83	97
EXCEPTION COUNTY: GRAND	115	130
EXCEPTION COUNTY: IRON	83	97
EXCEPTION COUNTY: JUAB	83	97
EXCEPTION COUNTY: KANE	83	97
EXCEPTION COUNTY: MILLARD	83	97
EXCEPTION COUNTY: MORGAN	83	97
EXCEPTION COUNTY: PIUTE	83	97
EXCEPTION COUNTY: RICH	83	97
EXCEPTION COUNTY: SAN JUAN	83	97
EXCEPTION COUNTY: SANPETE	83	97
EXCEPTION COUNTY: SEVIER	83	97

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 120985

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: SUMMIT	83	97
EXCEPTION COUNTY: TOOELE	108	120
EXCEPTION COUNTY: UINTAH	115	130
EXCEPTION COUNTY: WASATCH	83	97
EXCEPTION COUNTY: WASHINGTON	83	97
EXCEPTION COUNTY: WAYNE	83	97
NON METRO STATE: VERMONT	94	108
MSA: BURLINGTON, VT	94	108
NON METRO STATE: VIRGINIA	80	80
MSA: CHARLOTTESVILLE, VA	80	80
MSA: DANVILLE, VA	80	80
MSA: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA	77	77
MSA: LYNCHBURG, VA	71	71
MSA: NORFOLK-VIRGINIA BEACH-NEWPORT NEWS, VA	112	112
MSA: RICHMOND-PETERSBURG, VA	110	110
MSA: ROANOKE, VA	77	77
MSA: WASHINGTON, DC-MD-VA	143	143
EXCEPTION COUNTY: APPOMATTOX	69	69
EXCEPTION COUNTY: CRAIG	75	75
NON METRO STATE: WASHINGTON	106	123
MSA: BELLINGHAM, WA	106	136
MSA: BREMERTON, WA	106	136
MSA: OLYMPIA, WA	106	136
MSA: RICHLAND-KENNEWICK-PASCO, WA	144	144
PMSA: SEATTLE, WA	137	193
MSA: SPOKANE, WA	115	130
PMSA: TACOMA, WA	122	144
PMSA: VANCOUVER, WA	157	174
MSA: YAKIMA, WA	115	122
NON METRO STATE: WEST VIRGINIA	77	77
MSA: CHARLESTON, WV	83	83
MSA: CUMBERLAND, MD-WV	111	111
MSA: HUNTINGTON-ASHLAND, WV-KY-OH	77	77
MSA: PARKERSBURG-MARIETTA, WV-OH	77	77
MSA: STEUBENVILLE-WEIRTON, OH-WV	68	68
MSA: WHEELING, WV-OH	71	71
EXCEPTION COUNTY: WIRT	75	75
NON METRO STATE: WISCONSIN	80	86

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 120985

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MSA: APPLETON-OSHKOSH-NEENAH, WI	99	106
MSA: DULUTH, MN-WI	74	83
MSA: EAU CLAIRE, WI	93	100
MSA: GREEN BAY, WI	97	104
MSA: JANESVILLE-BELOIT, WI	97	104
PMSA: KENOSHA, WI	104	110
MSA: LA CROSSE, WI	88	96
MSA: MADISON, WI	146	152
PMSA: MILWAUKEE, WI	113	119
MSA: MINNEAPOLIS-ST. PAUL, MN-WI	141	141
PMSA: RACINE, WI	105	112
MSA: SHEBOYGAN, WI	80	86
MSA: WAUSAU, WI	80	86
NON METRO STATE: WYOMING	N/A	N/A
MSA: CASPER, WY	193	208
MSA: CHEYENNE, WY	115	138
EXCEPTION COUNTY: ALBANY	115	138
EXCEPTION COUNTY: BIG HORN	115	138
EXCEPTION COUNTY: CAMPBELL	193	208
EXCEPTION COUNTY: CARBON	193	208
EXCEPTION COUNTY: CONVERSE	193	208
EXCEPTION COUNTY: CROOK	115	138
EXCEPTION COUNTY: FREMONT	193	208
EXCEPTION COUNTY: GOSHEN	115	138
EXCEPTION COUNTY: HOT SPRINGS	115	138
EXCEPTION COUNTY: JOHNSON	115	138
EXCEPTION COUNTY: LARAMIE	115	138
EXCEPTION COUNTY: LINCOLN	115	138
EXCEPTION COUNTY: PARK	115	138
EXCEPTION COUNTY: PLATTE	115	138
EXCEPTION COUNTY: SHERIDAN	193	208
EXCEPTION COUNTY: SUBLETTE	115	138
EXCEPTION COUNTY: SWEETWATER	193	208
EXCEPTION COUNTY: TETON	115	138
EXCEPTION COUNTY: UINTA	115	138
EXCEPTION COUNTY: WASHAKIE	115	138
EXCEPTION COUNTY: WESTON	115	138

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

@BRKPT PRINT$

[FR Doc. 85-30962 Filed 12-31-85 8:45 am]
BILLING CODE 4210-27-C

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Realty Action: Sale of Public Land in Calaveras County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Direct Sale of Public Land in Calaveras County, California.

SUMMARY: The following described land has been examined and, through the development of land use planning decisions based on public input, resource considerations, regulations and Bureau policies, it has been determined that the proposed sale is consistent with the Federal Land Policy and Management Act (FLPMA) of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713).

The parcel will be offered by direct sale at no less than the appraised fair market value of $14,000 to Howard A. Folger and Helen Mae Folger, West Point, California. The Folger's are owners of an adjoining 20-acre parcel and improvements, principally their residence, which lie partially on the subject parcel. Disposal by direct sale will protect their equity investment and resolve an existing inadvertent unauthorized use.

Mount Diablo Meridian, California

T. 6 N., R. 13 E.;
Sec. 1, Lot 151.

(CA 18076) containing 5.21 acres more or less.

Sale terms and conditions are as follows:

1. A right-of-way for ditches and canals will be reserved to the United States (43 U.S.C. 945).

2. The purchasers must be United States citizens. Proof of meeting this requirement shall accompany their payment.

SUPPLEMENTARY INFORMATION: Upon publication of this notice in the **Federal Register** as provided in 43 CFR 2711.1–2(d) (amended) the above land will be segregated from appropriation under the mining laws but excepting the mineral leasing laws for a period not to exceed 270 days, or until the lands are sold, whichever occurs first. The segregation effect may otherwise be terminated by the Authorized Officer by publication of a termination notice in the **Federal Register** prior to the expiration of the 270-day period.

The designated purchasers shall submit a certified check, postal money order, bank draft or cashier's check made payable to the Department of the Interior—BLM for at least 10 percent of the appraised value upon notification by the Folsom Office, BLM. The remainder of the full purchase price shall be submitted within 180 days of the sale date. Failure to submit the balance of the purchase price will result in cancellation of the sale and the deposit shall be forfeited.

It has been determined that the lands are without known mineral values and a down payment will constitute a simultaneous request for conveyance of the reserved mineral estate. As such, the purchasers will be required to deposit a $50.00 nonreturnable filing fee for conveyance of the mineral estate.

Detailed information concerning the sale, including the land report and environmental assessment report are available for review at the Folsom Resource Area Office, 63 Natoma Street, Folsom, California 95630. For a period of 45 days from the date of first publication of this notice, interested parties may submit comments to the District Manager, Bakersfield District, Bureau of Land Management, 800 Truxtun Avenue, Room 311, Bakersfield, California 93301; (805) 861–4191. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become a final determination.

ADDRESS: Bureau of Land Management, Folsom Resource Area, 63 Natoma Street, Folsom, CA 95630.

Date: December 24, 1985.

D.K. Swickard,

Area Manager.

[FR Doc. 85–30975 Filed 12–31–85; 8:45 am]

BILLING CODE 4310-40-M

[Serial No. I-7317]

Partial Termination of Proposed Withdrawal and Reservation of Lands; Idaho

December 30, 1985.

Notice of an application, serial number I–7317, for withdrawal and reservation of lands was posted in the Land Office records September 27, 1973. A notice was not published in the **Federal Register.** The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Subpart 2091, such lands will be at 9:00 a.m. on December 31, 1985, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are all public lands ¼ mile either side of the Moyie River in the following Township and Range:

Kaniksu National Forest

Boise Meridian

T. 65 N., R. 2 E.,
Sec. 10.

The area described is in Boundary County.

Vincent J. Hecker,

Acting Assistant Director.

[FR Doc. 85–30654 Filed 12–31–85; 8:45 am]

BILLING CODE 4310-84-M

Realty Action; Exchange of Public and Private Lands in Fresno, Madera, and Nevada Counties, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action on Proposed Land Exchange.

SUMMARY: This Notice is to advise the public that the Hollister and Folsom Resource Areas of the Bureau of Land Management (BLM) and Santa Fe Pacific Realty Corporation, Inc. are proposing a land exchange.

SUPPLEMENTARY INFORMATION: The following described public lands have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1716:

Mount Diablo Meridian

T.15N., R.8E.;
Sec. 26: SW¼SW¼.
T.14N., R.8E.;
Sec. 9: within W½/SE¼.
T.6S., R.21E.;
Sec. 17: E½SW¼, SE¼.
T.9S., R.19E.;
Sec. 20: NW¼NE¼.

Comprising 397.5 acres of public land.

In exchange for these lands, the Federal Government will acquire the following described lands from Santa Fe Pacific Realty Coporation, Inc.:

Mount Diablo Meridian

T.19S., R.14E.;
Secs. 3, 5, 9, 11, 15 (all).
T.18S., R14E.;
secs. 27, 35 (all).
T.18S., R.13E;
Sec. 9 (all).

Comprising 5,265.69 acres of private land.

The purpose of this exchange is to acquire the non-Federal lands because of their high values for recreational use and wildlife habitat. The exchange is consistent with the Bureau's planning for the lands involved and has been discussed with the Fresno County Planning Commission, Nevada County

Planning Commission, Madera County Planning Commission, and State agencies through their clearinghouse. The public interest will be well served by making the exchange.

The values of the lands to be exchanged are approximately equal.

Lands to be transferred from the United States will be subject to the following reservations, terms, and conditions:

1. In T.15N., R.8E., Sec. 26: SW¼SW¼, MDM:

a. FPC power project with an 80 ft. width.

b. One road right-of-way.

2. In T.14N., R.8E., Sec. 9: within W½SE¼:

a. Two rights-of-way.

b. Subject to the existing grazing use of Frank Smith, holder of grazing authorization No. 4015. The rights of Frank Smith to graze domestic livestock on the real estate according to the conditions and terms of grazing authorization No. 4015, shall cease two years from receipt of this Notice of Realty Action, or at such time as Frank Smith elects to waive such rights. Santa Fe Pacific Realty Corporation, Inc. is entitled to receive annual grazing fees from Frank Smith in an amount not to exceed that which would be authorized under the Federal grazing fee published annually in the **Federal Register**.

3. In T.9S., R.19E., Sec. 20: NW¼NE¼: One right-of-way.

Lands to be acquired by the United States will be subject to the following reservations, terms, and conditions:

1. Subject to existing mineral rights and reservations.

2. BLM will honor existing grazing permits or leases, such permittees or lessees shall be considered qualified for grazing use on acquired lands.

The publication of this Notice in the **Federal Register** will segregate the public lands described above to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. Any subsequently tendered application, allowance of which is discretionary, shall not be accepted, shall not be considered as filed and shall be returned to the applicant. the segregative effect shall terminate as provided at 43 CFR 2201.1(b).

Detailed information concerning the exchange, including the land report and environmental assessment is available for review at the Hollister Resource Area Office, 402 Park Hill, P.O. Box 365, Hollister, California 95024–0365.

For a period of 45 days from the date of publication of this Notice, interested parties may submit comments to the District Manager, Bakersfield District Office, Bureau of Land Management, 800 Truxtun Avenue, Bakersfield, California 93301. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become a final determination.

Dated: December 23, 1985.

David E. Howell,

Area Manager.

[FR Doc. 85–30946 Filed 12–31–85; 8:45 am]

BILLING CODE 4310–40–M

Minerals Management Service

Outer Continental Shelf; Proposed Development and Production Plan for the Cities Service San Miguel Project (Lease OCS–P 0409); Availability of Draft Environmental Impact Statement and Intent to Hold Public Hearings

AGENCY: Minerals Management Service (MMS), Pacific Outer Continental Shelf (OCS) Region, Interior.

ACTION: Notice of Availability for Draft Environmental Impact Statement/ Environmental Impact Report (EIS/EIR).

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Minerals Management Service, County of San Luis Obispo, California State Lands Commission, California Coastal Commission, and County of Santa Barbara have prepared a joint Draft EIS/EIR for the proposed San Miguel Project which covers the development of OCS oil and gas resources offshore San Luis Obispo and Santa Barbara Counties, California. The Draft EIS/EIR includes an evaluation of the potential effects of the proposed development by Cities Service for the San Miguel Project as well as anticipated future development of oil and gas resources in the Northern Santa Maria Basin area.

Single copies of the Draft EIS/EIR can be obtained from San Luis Obispo County, Planning Department, County Government Center, San Luis Obispo, California 93408.

The Draft EIS/EIR will be available in three volumes as specified:

Volume I=EIS/EIR.

Volume II=Biological, Cultural Resources, System Safety, and Mitigation Measures Technical Files.

Volume III=Air Quality Technical Appendix.

Copies of the Draft EIS/EIR will also be available for review in the following public libraries:

Minerals Management Service, Public Affairs Office, 1340 W. Sixth Street, Los Angeles, CA 90017

CA State Polytechnic Library, Government Documents & Maps, San Luis Obispo, CA 93401

San Luis Obispo City/County Library, 888 Morro Street, San Luis Obispo, CA 93401

Santa Maria Public Library, 420 Broadway Street, Santa Maria, CA 93454

Beverly Pettijohn, State Library, Government Publications, P.O. Box 2037, Sacramento, CA 95814

Santa Barbara Public Library, 40 E. Anapamu Street, Santa Barbara, CA 93101

Ventura County Library, 651 E. Main Street, Ventura, CA 93001

County of Los Angeles, Public Library, Government Publications Unit, 330 W. Temple Street, Los Angeles, CA 90012

Long Beach Public Library, Government Publications Dept., Ocean Blvd. & Pacific Avenue, Long Beach, CA 90802

Government Public Library, University of California at Santa Barbara, Santa Barbara, CA 93117

U.S. Department of the Interior, Div. of Information and Library Services, 18th & "C" Streets, N.W., Washington, D.C. 20240

The technical files and air quality technical appendix may be obtained individually or as a unit at the following locations:

Minerals Management Service, Santa Maria District Office, 222 W. Carmen Lane, Suite 201, Santa Maria, CA 93454

San Luis Obispo County Courthouse, County Government Center, San Luis Obispo, CA 93408

California State Clearinghouse, 1400 Tenth Street, Rm. 121, Sacramento, CA 95814

San Luis Obispo City/County Library, 888 Morro Street, San Luis Obispo, CA 93401

Santa Barbara Public Library, 40 E. Anapamu Street, Santa Barbara, CA 93101

Joint Federal/State/County public hearings are scheduled as follows:

January 22, 1986, 10:00 am—San Luis Obispo County, Government Center, San Luis Obispo, CA.

January 23, 1986, 1:00 pm—Veterans Memorial Bldg., 780 Bello Ave., Pismo Beach, CA.

January 24, 1986, 1:00 pm—San Luis Obispo County, Government Center, San Luis Obispo, CA.

The purpose of the hearings is to receive oral and written testimony regarding the Draft EIS/EIR. The

hearings will provide the Minerals Management Service with additional information to help evaluate the potential effects associated with those aspects of the project subject to their approval.

Written comments on the Draft EIS/EIR should be forwarded to the County of San Luis Obispo Planning Department address listed above and should be received no later than February 17, 1986. These comments will be addressed by MMS, County of San Luis Obispo, California State Lands Commission, California Coastal Commission, and County of Santa Barbara. After testimony and comments have been reviewed and analyzed, a Final EIS/EIR will be prepared. Should further information be required contact Frank Manago at (213) 894–7098 or Mary Elaine Warhurst at (805) 922–7958.

Dated: December 20, 1985.

William E. Grant,

Regional Director, Pacific OCS Region.

[FR Doc. 85–30987 Filed 12–31–85; 8:45 am]

BILLING CODE 4310–MR–M

National Park Service

Upper Delaware Scenic And Recreational River; Citizens Advisory Council; Meeting

AGENCY: National Park Service; Upper Delaware Citizens Advisory Council.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the date of the forthcoming meeting of the Upper Delaware Citizens Advisory Council. Notice of this meeting is required under the Federal Advisory Committee Act.

DATE: January 24, 1985, 7:00 p.m.

Inclement Weather Reschedule Date: February 14, 1985.

ADDRESS: Town of Tusten Hall, Narrowsburg, New York.

FOR FURTHER INFORMATION CONTACT: John T. Hutzky, Superintendent, Upper Delaware Scenic and Recreational River, P.O. Box C, Narrowsburg, NY 12764–0159, (717) 729–8251.

SUPPLEMENTARY INFORMATION: The Advisory Council was established under section 704(f) of the National Parks and Recreation Act of 1978, Pub. L. 95–625, 16 U.S.C. 1274 note, to encourage maximum public involvement in the development and implementation of the plans and programs authorized by the Act. The Council is to meet and report to the Delaware River Basin Commission, the Secretary of the Interior, and the Governors of New York and Pennsylvania in the preparation of a management plan and on programs which relate to land and water use in the Upper Delaware region. The agenda for the meeting will include discussion of statistics regarding the legislatively-mandated law enforcement and trash removal program during 1985, and public review and comment of the final draft river management plan, recently distributed. The meeting will be open to the public. Announcements of cancellation due to inclement weather will be made by radio stations WDNH, WDLC, WSUL, and WVOS.

Any member of the public may file with the Council a written statement concerning agenda items. The statement should be addressed to the Upper Delaware Citizens Advisory Council, P.O. Box 84, Narrowsburg, NY 12764. Minutes of meetings will be available for inspection four weeks after the meeting at the permanent headquarters of the Upper Delaware Scenic and Recreational River, River Road, 1¾ miles North of Narrowsburg, NY, Damascus Township, PA.

Dated: December 19, 1985.

James W. Coleman, Jr.,

Regional Director, Mid-Atlantic Region.

[FR Doc. 85–31005 Filed 12–31–85; 8:45 am]

BILLING CODE 4310–70–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–226]

Certain Mass Spectrometers and Components Thereof; Commission Decision Not To Review Initial Determination Terminating Respondents on the Basis of a Consent Order

AGENCY: International Trade Commission.

ACTION: The Commission has determined not to review the initial determination (ID) (Order No. 2) of the administrative law judge (ALJ) terminating the above captioned investigation with respect to respondents VG Analytical Limited and VC Instruments, Inc. (collectively VG), on the basis of a consent order.

SUMMARY: Termination of two respondents on the basis of a consent order.

FOR FURTHER INFORMATION CONTACT: Edwin J. Madaj, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–01048.

SUPPLEMENTARY INFORMATION: On November 4, 1985, complainant Finnigan Corporation and respondents VG Analytical Limited and VG Instruments, Inc. filed a joint motion to terminate the investigation as to the VG respondents on the basis of a consent order agreement and consent order. The ALJ issued an ID granting the joint motion for termination on November 27, 1985. No petitions for review or comments from Government agencies or the public were received.

Copies of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202–523–0161. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

By order of the Commission.

Issued: December 26, 1985.

Kenneth R. Mason,

Secretary.

[FR Doc. 85–31037 Filed 12–31–85; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. TA–201–58]

Certain Metal Castings; Notice of Investigation

AGENCY: International Trade Commission.

ACTION: Institution of an investigation under section 201 of the Trade Act of 1974 (19 U.S.C. 2251) and scheduling of a hearing to be held in connection with the investigation.

SUMMARY: Following receipt of a petition filed on December 2, 1985, and amended on December 12, 1985, and December 18, 1985,[1] on behalf of the Cast Metals Federation, the United States International Trade Commission instituted investigation No. TA–201–58 under section 201 of the Trade Act of 1974 to determine whether the following metal castings, whether or not advanced beyond cleaning, and whether or not machined beyond the removal of fins, gates, sprues, and risers or to permit location in finishing machinery, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic

[1] The amendments principally expand the scope of the petition to include imports from Canada of certain covered products that enter duty-free as original motor-vehicle equipment and, with respect to all covered products, imports that have been machined.

industry producing articles like or directly competitive with the imported articles:

Iron castings and ductile iron castings:

Construction castings, specifically, manhole covers, rings, and frames, catch basin grates and frames, cleanout covers and frames, and valve, service, and meter boxes, provided for in items 657.09, 657.10, and 657.25 of the Tariff Schedules of the United States (TSUS);

Pressure pipe fittings for water mains, provided for in TSUS items 610.62, 610.63, 610.70, 610.71, 610.74, and 610.82;

Housings for compressors, provided for in TSUS item 661.10; and

Brake drums and rotors, provided for in TSUS items 692.32 and 692.33.

Steel castings:

Parts of valves, including the bodies (or "shells"), bonnets, stems, wedges, handles, and seat rings, provided for in TSUS items 680.17, 680.25, and 680.27; and

Parts for construction equipment, tractors, and trucks, specifically:

Axle parts, including housings and spindles, for off-highway heavy construction vehicles, provided for in TSUS item 664.08;

Levers for front end loaders and crawler tractors, provided for in TSUS item 664.08;

Drive sprockets for track-laying construction machinery and tracklaying tractors, provided for in TSUS items 664.08, 692.34, and 692.35;

Beam hanger brackets for classes 6, 7, and 8 on-highway trucks, provided for in TSUS items 692.32 and 692.33; and

Sockets and suspension brackets for 5-ton military trucks, provided for in TSUS item 692.32.

Bronze castings:

Ship propellers, provided for in TSUS items 657.35, 678.50, and 696.15.

The Commission will make its determination in this investigation by June 2, 1986 (see section 201(d)(2) of the act (19 U.S.C. 2251(d)(2))).

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's rules of practice and procedure, part 206, subparts A and B (19 CFR part 206), and part 201, subparts A through E (19 CFR part 201).

EFFECTIVE DATE: December 2, 1985.

FOR FURTHER INFORMATION CONTACT: Robert Carpenter (202–523–0399) or George Deyman (202–523–0481), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

SUPPLEMENTARY INFORMATION:

Participation in the investigation.—Persons wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than twenty-one (21) days after publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairwoman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service list.—Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of apperance. In accordance with § 201.16(c) of the rules (19 CFR 201.16(c)), each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Hearing.—The Commission will hold a hearing in connection with this investigation beginning at 10:00 a.m. on March 18, 1986, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15) p.m.) on March 5, 1986. All persons desiring to appear at the hearing and make oral presentations, with the exception of public officials and persons not represented by counsel, should file prehearing briefs and attend a prehearing conference to be held at 9:30 a.m. on March 11, 1986, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is March 12, 1986. Petitioners are encouraged to include in their prehearing brief a detailed discussion of the proposed remedy and its effects. Other parties and also invited to address the issue of remedy in their prehearing briefs. Posthearing briefs must be submitted not later than the close of business on March 28, 1986. Confidential material should be filed in accordance with the procedures described below.

Parties are encouraged to limit their testimony at the hearing to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. Any written materials submitted at the hearing must be filed in accordance with the procedures described below and any confidential materials must be submitted at least three (3) working days prior to the hearing (see § 201.6(b)(2) of the Commission's rules (19 CFR 201.6(b)(2))).

Written submissions.—As mentioned, parties to this investigation may file prehearing and posthearing briefs by the dates shown above. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before March 28, 1986. A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

Remedy.—In the event that the Commisson makes an affirmative injury determination in this investigation, remedy briefs will be due to the Secretary no later than the close of business on May 12, 1986, and must conform with the requirements of § 201.6 of the Commission's rules. Parties are reminded that no separate hearing on the issue of remedy will be held. Those parties wishing to present oral arguments on the issue of remedy may do so at the hearing scheduled for March 18, 1986.

Authority: This investigation is being conducted under the authority of section 201 of the Trade Act of 1974. This notice is published pursuant to § 201.10 of the Commission's rules (19 CFR 201.10).

By order of the Commission.

Issued: December 27, 1985.

Kenneth R. Mason,

Secretary.

[FR Doc. 85–31036 Filed 12–31–85; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative; Intent To Perform Interstate Transportation for Certain Nonmembers

Dated: December 27, 1985.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change.

The name and address of the agricultural cooperative (1) and (2), the location of the records (3), and the name and address of the person to whom inquiries and correspondence should be addressed (4), are published here for interested persons. Submission of information which could have bearing upon the propriety of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, DC 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, DC.

(1) Tennessee Farmers Cooperative
(2) P.O. Box 3003, Lavergne, TN 37086
(3) P.O. Box 3003, Lavergne, TN 37086
(4) Mr. Joe L. Wright, P.O. Box 3003, Lavergne, TN 37086.

James H. Bayne,

Secretary.

[FR Doc. 85-30995 Filed 12-31-85; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. MC-F-16951]

Philadelphia, Bethlehem and New England Railroad Co. and Bethlehem Steel Corp.; Control Bethtran, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Bethlehem Steel Corporation (Bethlehem), a non-carrier holding company and the Philadelphia, Bethlehem and New England Railroad Company (PB&NE), a rail common carrier and a wholly-owned subsidiary of Bethlehem, have filed a petition for exemption under 49 U.S.C. 11343(e) to allow PB&NE to obtain control of BETHTRAN, Inc. upon obtaining motor carrier status and to allow Bethlehem to obtain control over the proposed motor carrier operation in conjunction with its current control over six short line rail carriers. BETHTRAN will commence motor carrier operations following its purchase and merger with Carrier Express, Inc., a regulated carrier authorized under Docket No. MC-181662. Bethlehem presently controls six short line railroads which include PB&NE, Cambria and Indiana Railroad Company, Conemaugh & Black Lick Railroad Company, Patapsco & Back Rivers Railroad Company, South Buffalo Railway Company and Steelton & Highspire Railroad Company. Petitioners also represent that the railroads and BETHTRAN, Inc. are operated separately from Bethlehem. As applies to the two requests, acquisition of control of a carrier by any number of carriers (here PB&NE) and acquisition of control of a carrier by a person that is not a carrier but that controls any number of carriers (Bethlehem) may be carried out only under Commission regulation or under an exemption from regulation. On the involved requests see 49 U.S.C. 11343(a)(3) and 49 U.S.C. 11343(a)(5), respectively.

DATES: Comments must be received by January 20, 1986.

ADDRESSES: Send comments (an original plus 10 copies) referring to Docket No. MC-F-16951 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.
(2) Petitioners' representative: Joseph M. O'Malley, 1275 Daly Avenue, Bethlehem, PA 18015.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: PB&NE and Bethlehem seek exemption under 49 U.S.C. 11343(e) and the Commission's regulation in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property, Under 49 U.S.C. 11343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

A copy of the petition may be obtained from petitioners' representative, or it may be inspected at the Washington, DC office of the Interstate Commerce Commission during normal business hours.

Decided: December 23, 1985.

By the Commission, Jane F. Mackall, Acting Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 85-30998 Filed 12-31-85; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Job Training Partnership Act; Performance Standards for Program Year (PY) 1986

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of proposed revisions to the numerical values of the Secretary's Standards; request for comment.

SUMMARY: Section 106 of the Job Training Partnership Act (JTPA) requires the Secretary of Labor to prescribe performance standards for adult and youth training programs under Title II-A and dislocated worker programs under Title III. Based on experience since JTPA programs were begun, the numerical values to the performance standards are being proposed to be changed for Program Year (PY) 1986. (July 1, 1986—June 30, 1987).

DATE: Written comments are invited from the public. Comments must be submitted on or before January 22, 1986.

ADDRESS: Comments should be addressed to the Assistant Secretary of Labor, Employment and Training Administration, U.S. Department of Labor, 601 D Street NW., Washington, DC 20213, Attention: Mr. Hugh Davies, Chief, Adult and Youth Standards Unit.

FOR FURTHER INFORMATION CONTACT: Mr. Hugh Davies, Telephone (202) 376-6700.

SUPPLEMENTARY INFORMATION:

A. Purpose of Performance Standards

The Secretary of Labor (Secretary) issues performance standards in order to determine whether the basic measures of JTPA, increased earnings and employment and reduced welfare dependency, are being met. On the basis of the Secretary's Performance Standards, Governors must set standards for each of their service delivery areas (SDAs). To date, the Secretary has set seven standards for the initial nine-month period of JTPA and for Program Years (PY) 1984-85. For PY 1986, the Secretary is proposing to revise the numerical values for these same seven standards. This issuance presents those standards and also consolidates into one document the implementation instructions for performance standards.

B. Authority To Issue Performance Standards

Section 106 of the Act directs the Secretary to establish performance

standards for Title II–A adult and youth and Title III dislocated worker programs.

C. Public Comment and Participation

The Department of Labor (Department) is committed to a participatory process in the development of performance standards through the periodic convening of groups to address performance standards issues. Such a workgroup met in November 1985 to assist the Department in the development of these standards. This request for comment is also an important part of that process.

D. Rationale for the Numerical Standards

The Secretary's National Numerical Standards for the initial nine months of JTPA and PY 84–85 were set on the basis of Comprehensive Employment and Training Act (CETA) performance. In general, programs under JTPA have substantially exceeded comparable performance under CETA, and as a consequence, SDAs have generally exceeded most of their standards. Now that JTPA data are available for standard setting, a more direct relationship can be established between the performance of the system and the Secretary's Standards. For four of the standards, the approach to specifying the numerical value is to set the standard so that 75% of the SDAs can be expected to exceed the standard. In this manner, performance below the standard would represent those SDAs for which technical assistance should be considered. Since incentive awards are made on the extent to which an SDA exceeds the standards, it is reasonable to expect that the majority of SDAs will continue to perform well beyond the standard level. This approach has been taken on the proposed numerical standards for the adult, youth, and welfare entered employment rates and the adult cost per entered employment.

For average wage at placement, SDAs on average performed at $4.87 per hour in PY 84, which was below the standard of $4.91. While the performance of the system was slightly below the standard, it is reasonable to expect that performance will improve from PY 84 to PY 86. Furthermore, the Department expects SDAs to serve participants in a manner that will provide for higher wage, better quality jobs, and as a result, performance against the average wage standard will improve. Therefore the Department is proposing to keep the average wage standard at $4.91.

For the youth positive termination rate, the system performed substantially under the 82% standard in PY 84. While it is expected that the full implementation of youth competency systems will allow the gap to be narrowed, it is the consideration of the Department that the new standard will still need to be under the PY 84–85 standard level. Therefore the Department is proposing a 75% standard.

The cost per positive termination for youth is proposed to remain at the PY 84–85 standard level of $4900. This level is significantly higher than the performance of the system in PY 84. It reflects the anticipated enrichment of the quality of services to youth, some of which will result from the full implementation of youth competencies.

Signed at Washington, DC, this 27th day of December 1985.

Roger D. Semerad,

Assistant Secretary for Employment and Training.

Appendix

Training and Employment Information Notice No. ——
January 1986

Performance Standards for PY 1986

Authority: Job Training Partnership Act, Pub. L. 97–300, sec. 106, Implementing Regulations, 20 CFR 629.46, March 15, 1983.

1. *Purpose.* To transmit to State JTPA Liaisons the Secretary's National Numerical Standards and implementing instructions for Program Year (PY) 86.

2. *Background.* Section 106 of JTPA directs the Secretary to establish performance standards for adult, youth and dislocated worker programs. In accordance with the Act, the Secretary established standards based on CETA data for the initial nine month period of JTPA and for the first two program years. The Secretary also issued implementing instructions for the first two program years and parameters for adjusting the Secretary's Standards. This issuance provides new numerical levels for existing standards for Title II–A, a goal for Title III programs, and updated and consolidated implementing instructions.

3. *Performance Measures and the Secretary's National Numerical Standards for PY 86 for Title II–A.* For PY 86, the performance measures will remain the same as they have been since the inception of JTPA.

Four of the Secretary's Standards have been derived from PY 84 JTPA Title II–A performance data and have been set at a point at which 75% of the SDAs are expected to exceed. These standards are the entered employment rates for adults, adult welfare recipients, and youth, and the cost per entered employment. The average wage standard remains unchanged from the previous PY 84/85 level. This level reflects the Departmental commitment to encouraging placement in better quality jobs. The youth positive termination rate is set higher than the PY 84 experience in anticipation of increased positive outcomes due to youth competency attainment. The youth cost per positive termination remains unchanged at the PY 84/85 level to allow for systemwide enrichment of services to youth.

Adults

A. *Entered Employment Rate:* 62%.
B. *Cost per Entered Employment:* $4374.
C. *Average Wage at Placement: $4.91.*
D. *Welfare Entered Employment Rate: 51%.*

Youth

A *Entered Employment Rate: 43%.*
B. *Positive Termination Rate: 75%.*
C. *Cost per Positive Termination: $4900.*

4. *Implementation Provisions.* In accordance with section 106 of the Act, the following implementation requirements must be followed:

A. *Required Standards.* Governors must set for each SDA a numerical performance standard for each of the seven Secretary's Standards.

B. *Setting the Standards.* The Governor may set the SDA's standards by using the Secretary's numerical standards or by adjusting standards. In accordance with section 106(e), such adjustments must conform to the Secretary's parameters, which are as follows:

1. Procedures must be:
- Responsive to the intent of the Act,
- Consistently applied among the SDAs,
- Objective and equitable throughout the State,
- In conformance with widely accepted statistical criteria;

2. Source data must be:
- Of public use quality,
- Available upon request;

3. Results must be:
- Documented,
- Reproducible; and

4. Adjustment factors must be limited to:
- Economic factors,
- Labor market conditions,
- Characteristics of the population to be served,
- Geographic factors,
- Types of services to be provided.

The Department has developed an adjustment methodology which is available for Governors to use at their option. The Department's methodology conforms to the parameter criteria cited above. Should the Governor choose to use an alternate methodology, or make additional adjustments, it must conform to the parameter criteria and be documented in the Governor's Coordination and Special Services Plan prior to the program year to which they apply.

In the case of an appeal from an SDA concerning the imposition of a reorganization plan for failure to meet the performance standards for two consecutive years, the Secretary will make the final decision in accordance with section 106(h)(4) of the Act and 20 CFR 629.46(d)(6). In making this decision, the Secretary will be predisposed to uphold the Governor's determination concerning the application of the performance standards, if the Governor elected to use the nationally developed

adjustment methodology to vary the performance standards. If the Governor, however, elected to use an alternative methodology to vary the standards, the Secretary will make this decision on a case by case basis, based on the validity of the methodology and its uniform application throughout the State.

The State Job Training Coordinating Council must have an opportunity to consider adjustments to the Secretary's Standards and to recommend variations.

C. *Performance Standards Definitions.* Governors must compute the performance of their SDAs in accordance with the definitions included in the attachment.

D. *Application of the Performance Standards.* In applying the Secretary's Standards, Governors must conform to the following:

1. An SDA cannot be precluded from receiving an incentive award in accordance with section 202(b)(3)(B) if it exceeded all seven of the standards set in accordance with the Secretary's measures. Standards beyond those specified by the Secretary can be the basis for making rewards.

2. An SDA can only be sanctioned under section 106(h) for failure to meet standards set in accordance with the Secretary's measures. If an SDA fails to meet for two consecutive years all seven of the standards set in accordance with the Secretary's measures, then it must be sanctioned by the Governor. The Governor's policy on sanctions may provide for sanctioning for missing fewer than all seven of the standards.

3. Eligibility for incentive awards pursuant to section 202(b)(3)(B) must be based on exceeding, not just meeting, standards.

4. The amount of the incentive award must be determined by the extent to which the standard(s) are exceeded, and not simply based on the number of standards exceeded. Further adjustments can be made to the incentive award amount, including adjustments based upon grant size, service to the hard-to-serve, and expenditure level.

5. Governors must specify their incentive award policy under section 202(b)(3)(B) and sanctions policy under section 106(h). State sanctioning policy must include a definition of "failure to meet" and the timeframe that constitutes the period on which sanction action will be taken. The failure to receive incentive funds for two consecutive years does not necessarily constitute failure to meet the standards pursuant to section 106(h).

5. *Performance Standards Provisions for Title III.* Governors are required to set an Entered Employment Rate standard for their Title III formula funded programs and are encouraged to establish goals for Cost per Entered Employment. Because there are no incentive or sanction provisions for Title III performance, the Title III standard serves as a guide for the expected level of performance. In addition, the Secretary is specifying a national goal of 60% for the Entered Employment Rate. This goal has been established on the same basis as the Secretary's Standards for Title II–A; that is, if Title III programs continue to perform in the same manner as they did in PY 84, that 75% of the system should exceed the goal.

6. *Inquiries.* Questions concerning this issuance may be directed to Hugh Davies on 202–376–6700.

Attachment—Definitions for Performance Standards

The following defines the Title II–A performance standards:

Adult

1. *Entered Employment Rate*—Number of adults who entered employment as a percentage of the number of adults who terminated.

2. *Cost per Entered Employment*—Total expenditures for adults divided by the number of adults who entered employment.

3. *Average Wage at Placement*—Average wage for all adults who entered employment at the time of termination.

4. *Welfare Entered Employment Rate*—Number of adult welfare recipients who entered employment at termination as a percentage of the number of adult welfare recipients who terminated.

Youth

1. *Entered Employment Rate*—Number of youth who entered employment at termination as a percentage of the number of youth who terminated.

2. *Positive Termination Rate*—Number of youth who entered employment at termination plus the number of youth who met one of the youth employability enhancement [1] definitions at termination.

3. *Cost per Positive Termination*—Total expenditures for youth divided by the number of youth who entered employment at termination plus the number of youth who met one of the youth employability enhancements [1] definitions at termination.

[FR Doc. 85–30993 Filed 12–31–85; 8:45 a.m.]
BILLING CODE 4510–30–M

Office of Pension and Welfare Benefit Programs

[Application No. D–64931]

Proposed Exemptions; National Bank of Alaska

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Pension and Welfare Benefit Programs, Office of Regulations and Interpretations, Room N–5669, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue NW., Washington, DC 20210.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register.** Such notice shall include a copy of the notice of pendency of the exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed puruant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file

[1] Youth Employability Enhancements include:

a. Attained PIC Recognized Youth Employment Competencies.

b. Entered Non-Title II Training.

c. Returned to Full-time School.

d. Completed Major Level of Education.

e. Completed Program Objectives (14–15 year olds).

with the Department for a complete statement of the facts and representations.

National Bank of Alaska (NBA) Located in Anchorage, Alaska

[Application No. D-6493]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) as follows:

(I) The restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to those transfers of mortgage loans represented by deeds of trust by NBA to the Alaska Carpenters Pension Plan (the Carpenters Plan) and the Alaska Electrical Pension Plan (the Electricians Plan) and to those executions of certain participation certificates in mortgage loans by NBA in favor of the Carpenters Plan and the Electricians Plan that took place in 1975. The deeds of trusts and participation certificates represent interests in mortgage loans secured by multi-family residental or commercial real property. Section I of this proposed exemption is conditioned upon the satisfaction of the following:

A. Such transfer of a mortgage or execution of participation certificate was expressly approved by a fiduciary independent of NBA who had authority to manage or control the assets of the Carpenters or Electricians Plans which were invested in a mortgage or participation certificate.

B. The terms of all transactions between the Carpenters and Electricians Plans and NBA involving the mortgages or participation certificates are not less favorable to those plans than the terms generally available in arm's length transactions between unrelated parties.

C. The Carpenters and Electricians Plans paid no investment management, advisory, underwriting fee or sales commission or similar compensation to NBA with regard to such transfer of mortgages or execution of participation certificates.

D. The decision to invest in a mortgage or participation certificate was not part of an arrangement under which a fiduciary of a plan, acting with the knowledge of NBA, caused a transaction to be made with or for the benefit of a party in interest (as defined in section 3(14) of the Act) with respect to the Carpenters or Electricians Plans.

E. NBA shall maintain for the duration of any mortgage or participation certificate which was transferred to, or executed in favor of, the Carpenters or Electricians Plans records necessary to determine whether the conditions of this exemption have been met. The records referred to above must be unconditionally available at their customary location for examination, for purposes reasonably related to protecting rights under the Carpenters or Electricians Plans during normal business hours by: Any trustee, investment manager, employer of plan participants, employee organization whose members are covered by a plan, participant or beneficiary of a plan.

(II) The restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975(c)(1) (A) through (D) of the Code shall not apply to the proposed sale by the Alaska Teamsters Pension Plan (the Teamsters Plan) and the Alaska Laborers Pension Plan (the Laborers Plan) to NBA of certain mortgages or participation certificates described herein provided the purchase price is equal to the greater of the fair market value or the unpaid principal amount plus accrued interest on the mortgage or participation certificate.

Summary of Facts and Representations

1. NBA is a national banking association in the State of Alaska chartered under the laws of the United States and regulated by the Office of Comptroller of the Currency. As of December 31, 1984, the total deposits of NBA were $839,115,000 and its total assets were $1,045,984,000 making it the largest banking insitution in Alaska. NBA's trust department held total assets in a fiduciary or agency capacity of $604,099,000.

2. NBA represents that, in the normal course of business, it makes construction loans for various commercial and multi-family residential real estate development and improvement projects. NBA also represents that it is not its policy to make permanent loans for its own account or portfolio. NBA will, however arrange permanent mortgate loans for prospective purchasers of the commercial and multi-family residential real estate projects through commitments from investors interested in providing financing for such permanent mortgatge loans. In a typical transaction, a developer approaches NBA for construction financing for the project and seeks to arrange, through NBA, a source of permanent financing. NBA then develops a "loan package" consisting of the loan application, property appraisal, proposed loan terms, cost breakdown for construction and a financial analysis of the loan applicant. NBA has imposed strict underwriting guidelines concerning the loan applicant's credit worthiness and the value of the collateral which must be satisfied before any decision is made to fund a mortgage. The loan package is then given to two groups. First, NBA's loan committee uses the package to assess the risk of providing construction financing for the project. Second, the package is submitted to prospective investors, including employee benefit plans, other financial institutions, or federal agencies such as the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, insterested in providing permanent financing. Upon receiving a commitment from an investor to provide permanent financing, the loan committee of NBA grants the contruction loan and executes a deed of trust securing the construction loan in favor of NBA. Upon completion of construction, the permanent mortgage loan is closed by NBA on behalf of the permanent lender. In some cases a new permanent mortgage loan is then executed in favor of the permanent lender. In some situations, there exists a period of time (days or weeks) between the closing of the permanent mortgage loan and the disbursement by the permanent lender of funds under the permanent mortgage loan. In these situations, NBA, may advance funds under the permanent mortgage loan awaiting the permanent lender's funding pursuant to its commitment. In the case of a delay in funding by the permanent lender, the permanent mortgage or deed of trust is executed in favor of NBA. Upon the permanent lender honoring its commitment to fund the loan, NBA would transfer its deed of trust to the permanent lender. In the case where permanent financing was to be made pursuant to participations by a number of permanent lenders, NBA would execute participation certificates in favor of a participating permanent lender upon its honoring its commitment to fund its portion of the permanent loan. In no case is the construction loan of NBA assigned to the permanent lender. The borrower on the permanent loan may be the developer or the purchaser of the project from the developer. NBA, typically, services the mortgage loan or participation certificate as agent for the permanent lender.

3. Upon being contacted by NBA, the Carpenters and Electricians Plan committed to become either the

permanent lender for, or to participate in, the permanent financing of four commercial or multi-family residential real estate projects. NBA represents that it was not a fiduciary with respect to the Carpenters or Electricians Plans at the time of these commitments within the meaning of section 3(21) of the Act and that the decision to invest in mortgage investments was made by plan fiduciaries independent of NBA.[1] NBA, however, was a party in interest with respect to both plans under section 3(14)(B) of the Act by virtue of servicing prior mortgage loans funded by the Carpenters and Electricians Plan. The Carpenters Plan committed itself: (1) To become the permanent lender to Anchorage Refuge, Inc. in the amount of $345,000 (the Anchorage Refuge Loan) (2) to participate in a permanent mortgage loan to DOWL Enterprises (the DOWL Loan) in the amount of $588,000; and (3) to participate in a permanent mortgage loan to C.H.P., Inc. (the C.H.P. Loan) in the amount of $607,500. The Electricians Plan committed itself: (1) To participate in a permanent loan to C.R.S. Inc. (the C.R.S., Inc. Loan) in the amount of $366,400; and (2) to participate in to DOWL Loan and the C.H.P. Loan with the Carpenters Plan in the amounts of $196,000 and $202,500, respectively.[2] Upon completion of the construction on the underlying real estate projects the Carpenters and Electricians permanent loans were closed by NBA. The closings of these four loans took place during the period January 14, 1975 through April 30, 1975. Upon the failure of the Carpenters and Electricians Plans to immediately fund the permanent loans or their respective participation interests in such loans, NBA executed a deed of trust in its own favor securing the permanent financing for the Anchorage Refuge, DOWL, C.H.P. and C.R.S. Loans. Upon the funding of Anchorage Refuge DOWL, C.H.P. and C.R.S. Loans by the Carpenters and Electricians Plans pursuant to their commitments, NBA transferred its deed of trust to, or where appropriate, executed a participation certificate in favor of, the Carpenters or Electricians Plans. NBA represents that the delay from the date the respective permanent mortgage loans were closed to the date the Carpenters and Electricians Plans funded the loans pursuant to their commitments ranged from one day to two and one-half months. NBA represents that at no time was it the intention of NBA to provide the permanent financing for any of the above mortgage loans.

4. The average loan to value ratio at no point in time exceeded 75% on the mortgage loans or participation interests in mortgage loans acquired by the Carpenters and Electricians Plans. Since acquisition, the yield provided to the Carpenters and Electricians Plans on these mortgate investments has been the same as the prevailing rate on comparable mortgages. The Carpenters and Electricians Plans paid no investment management, investment advisory, sales commission or similar fee to NBA with respect to their acquisition of the mortgage investments. In addition, neither the Carpenters nor Electricians Plans has experienced any loss through foreclosure or other action by reason of these mortgage investments.

5. All transactions relating to the mortgages or the participation certificates acquired by the Carpenters and Electricians Plan are controlled by a servicing agreement which NBA represents is typical of bank servicing agreements.[3] The servicing agreement, which was submitted to Carpenters and Electrician Plan fiduciaries for their review prior to a Plan's acquisition of a mortgage or participation certificate requires NBA to represent and warrant the following for each mortgage or participation certificate: (a) That the mortgage is a valid first lien on fee simple absolute title to the mortgaged property; (b) that an American Land Title Association form of mortgagee's title insurance policy for the benefit of the plan to the extent of the plan's interest has been obtained; (c) that all relevant security agreements are valid, enforceable and perfected; (d) that an independent appraiser has inspected the mortgaged property; (e) that insurance policies providing coverage for fire and other hazards are maintained on the mortgaged property to the extent of the plan's participation interest; (f) that with respect to those mortgages which are insured in part by commercial mortgage insurance, NBA agrees to keep such insurance in effect until mutually terminated by the Plan and NBA.

NBA's duties under the servicing agreement include the following: (a) To collect all payments under the mortgages or participation interest as they become due; (b) to deposit all funds received on behalf of each mortgage or participation interest in a separate account on behalf of the relevant plan and to apply all sums collected by it on account of each such mortgate or participation interest for principal and interest, taxes, assessments, other public charges, hazard, fire and mortgage insurance premiums; (c) to submit to the relevant plan at least annually an audit of the balances in each plan's account together with a certificate that all disbursements were made for proper purposes as well as to make available for inspection by the plan any records maintained with respect to the mortgage or participation interest; (d) to retain physical possession of the mortgage instruments and policies of insurance; (e) upon default on a mortgage to give prompt notice of default to the plan, to foreclose upon the property, or purchase the mortgaged property at a foreclosure or trustee's sale, and, if necessary, manage, maintain or dispose of the property so acquired.[4] However, decisions regarding foreclosure options and determinations as to property management will be made on behalf of the Carpenters and Electricians Plans by persons independent of NBA.

6. NBA's compensation for servicing the mortgage or participation certificates was determined on the same basis as were the fees charged investors other than the Carpenters and Electricians Plans who similarly invested in a mortgage or participation interest in a mortgage. The servicing fees typically charged by NBA ranged from ⅛ of 1% to ⅜ of 1% of the outstanding principal balance of the mortgage loan.

[1] The Department notes that where the construction on the property which secures the mortgage was by a contributing employer to a plan and a principal of such employer exercised fiduciary authority in approving the plan's investment in the mortgage, a separate prohibited transaction under section 406(b) of the Act may occur, which transaction would not be covered by this exemption. See also condition D of Part I of this exemption which has the effect of precluding relief under section 406(a) of the Act for certain transactions undertaken for the benefit of parties in interest.

[2] The Department notes that the application does not address the separate prohibited transactions under section 406(a)(1)(B) of the Act which would exist should any of the mortgages or participation certificates acquired by the Carpenters and Electricians Plans involve loans to any party in interest with respect to those plans. Accordingly, no relief is afforded by this proposed exemption for such transactions.

[3] No exemption from section 406 of the Act is being granted for transactions pursuant to the servicing agreement beyond that which is provided by the statutory exemption pursuant to section 408(b)(2) of the Act.

[4] The Department notes that the application does not address the separate prohibited transaction under section 406(a)(1)(A) of the Act which would exist where upon foreclosure the plan acquires title to real property and such property or a portion thereof is leased to a party in interest with respect to a plan. Moreover, if the party in interest under such lease is an employer of employees covered by the plan the acquisition of real property by the plan would result in the acquisition of employer real property which may violate the provisions of sections 406(a)(2) and 407 of the Act. Accordingly, no relief is afforded by this proposed exemption for such transactions.

7. Pursuant to the procedures and following similar delays in the funding of permanent mortgage loans as described in paragraph two of the Summary of Facts and Representations of this Notice of Proposed Exemption, during the period February 1975 to August, 1975, NBA transferred certain deeds of trust to the Teamsters Plan and executed certain participation certificates in mortgage loans in favor of the Teamsters Plan and/or the Laborers Plan.[5] The deeds of trust and participation certificates represented interests in eight distinct mortgage loans secured by multi-family residential and commercial real property. The ultimate borrowers on the mortgages were Alaska Equities, an Alaskan Partnership; Charles R. Higgens; K. Burton Johnson and Mary Johnson; Roy G. Debenham and Rita J. Debenham; Yukon Office Supply, Inc.; Clifford Groh and Ronald Benkert; Rodd's of Alaska, d/b/a Artic Glass; and Mr. Helmut J. Graser for use by the purchasers of Condominiums at Turnagain Arms. NBA represents that neither the Teamsters nor Laborers Plan has experienced any loss through foreclosure or any other action by reason of these mortgage investments.

NBA proposes to purchase each of the above mortgages or participation certificates therein for cash from the Teamsters Plan and the Laborers Plan at a price equal to the greater of the fair market value of the mortgages or participation certificates or the unpaid principal amount plus any accrued interest on each of the mortgages or participation certificates. An offer would be presented to the independent fiduciaries of the Teamsters and Laborers Plans within 30 days of the publication of this Notice of Proposed Exemption in the Federal Register and the purchase will be consummated within 60 days following the acceptance of these offers. NBA represents that it will not act as fiduciary with respect to the proposed sales but that it is a party in interest with respect to the Teamsters and Laborers Plan under section 3(14)(B) of the Act by virtue of servicing the above mortgages and participation certificates.

8. (a) In summary, the applicant represents that the described past transfer of deeds of trust to, and execution of participation certificates in favor of, the Carpenters Plan and Electricians Plan satisfy the statutory criteria of section 408(a) of the Act because: (1) The transactions were between the Carpenters and Electricians Plan and NBA (a federally regulated institution) and were transactions made in the regular course of NBA's business; (2) all decisions to invest in the mortgages were made by fiduciaries of the Carpenters and Electricians Plans who were independent of NBA; (3) NBA's servicing fee was similar to fees charged other investors in similar mortgages or participation interests; (4) the mortgages were all first-liens on commercial and multi-family residential property; (5) the warranties and representations made by NBA regarding the mortgages and participation interests are standard for these types of transactions; and (6) the mortgages and participation certificates have a long term history of successful repayment.

(b) In summary, the applicants represent that the proposed purchases of the described mortgages or participation certificates by NBA from the Teamsters Plan and the Laborers Plan satisfy the statutory criteria of section 408(a) because: (1) The sales will all be one time transactions for cash; (2) the purchase prices will be equal to the greater of the fair market value of the mortgages or participation certificates or the unpaid principal amount plus any accrued interest on each of the mortgages or participation certificates; and (3) the decision to sell the mortgages or participation certificates will be made by fiduciaries of the Teamsters and Laborers Plans independent of NBA.[6]

For Further Information Contact: Louis Campagna at the Department, telephone (202) 523-8881. (This is not a toll free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, and other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 27th day of December 1985.

Elliot I. Daniel,

Assistant Administrator for Regulations and Interpretations, Office of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc. 85-30963 Filed 12-31-85; 8:45 am]

BILLING CODE 4510-29-M

[5] This exemption proposes no relief for any transactions relating to the acquisition of mortgages represented by deeds of trust or participation certificates by the Teamsters and Laborers Plans.

[6] The relief proposed by this Notice of Proposed Exemption relates solely to the transactions described herein and does not affect any other matters which may be pending between NBA and the Department.

NATIONAL SCIENCE FOUNDATION

Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits issued under the Antarctic Conservation Act of 1978, Pub. L. 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice of permits issued.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers, Permit Office, Division of Polar Programs, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357-7934.

SUPPLEMENTARY INFORMATION: On November 12, 1985, the National Science Foundation published a notice in the **Federal Register** of permit applications received. On December 17, 1985 permits were issued to:

David G. Ainley
Donald B. Wiggin

Charles E. Myers,

Permit Office, Division of Polar Programs.

[FR Doc. 85-30947 Filed 12-31-85; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-445 OL & OL-2, 50-446 OL & OL-2]

Texas Utilities Electric Co., et al. (Comanche Peak Steam Electric Station, Units 1 and 2); Cancellation of Oral Argument

Notice is hereby given that, in accordance with the Appeal Board's order of December 26, 1985, oral argument on the applicants' Petition for Directed Certification of Licensing Board's Order of October 31, 1985, scheduled for January 3, 1986 in the NRC Public Hearing Room, Fifth Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland, is cancelled.

Dated: December 27, 1985.

For the Appeal Board.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 85-30669 Filed 12-31-85; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-14871; File No. 812-6209]

Daily Money Fund; Application

December 23, 1985.

Daily Money Fund, Daily Tax-Exempt Money Fund, Equity Portfolio: Growth, Equity Portfolio: Income, Fidelity California Tax-Free Fund, Fidelity Cash Reserves, Fidelity Congress Street Fund, Fidelity Contrafund, Fidelity Corporate Bond Fund, Fidelity Corporate Trust, Fidelity Daily Income Trust, Fidelity Destiny Fund, Fidelity Discoverer Fund, Fidelity Exchange Fund, Fidelity Freedom Fund, Fidelity Fund, Fidelity Government Securities Fund, Fidelity High Income Fund, Fidelity High Yield Municipals, Fidelity Institutional Cash Portfolios, Fidelity Institutional Tax-Exempt Cash Portfolios, Fidelity Limited Term Municipals, Fidelity Massachusetts Tax-Free Fund, Fidelity Money Market Trust, Fidelity Mortgage Securities Fund, Fidelity Municipal Bond Fund, Fidelity New York Tax-Free Fund, Fidelity Puritan Fund, Fidelity Qualified Dividend Fund, Fidelity Tax-Exempt Money Market Trust, Fidelity Thrift, Trust, Fidelity Trend Fund, Fidelity U.S. Government Reserves Fund, Fixed Income Portfolios, Tax-Exempt Portfolios, Variable Insurance Products Fund ("No-load Funds", each individually, "No-load Fund"), and Fidelity Equity-Income Fund, Fidelity Magellan Fund, Fidelity Mercury Fund, Fidelity Overseas Fund, Fidelity Securities Fund: OTC Portfolio, Fidelity Select Portfolios, and Fidelity Special Situations Fund ("Load Funds", each individually, "Load Fund") (No-Load Funds and Load Funds collectively, "Funds"), each of which is a registered open-end management investment company under the Investment Company Act of 1940 ("Act"), and Fidelity Distributors Corporation ("Distributors"), principal underwriter of the Funds (Funds and Distributors collectively, "Applicants"), 82 Devonshire Street, Boston, Massachusetts 02109, filed an application on Septemer 26, 1985, for an order of the Commission, pursuant to section 11(a) of the Act to the extent necessary to permit certain offers of exchange among the Funds on a basis other than relative net asset values. Futhermore, Applicants request that any order issued by the Commission relating to the application also be applicable to any current No-load Fund which in the future becomes a Load Fund and any Load Fund which in the future changes the level of its sales charge, as well as to any additional investment companies for which Distributors may, in the future, serve as principal underwriter, so long as any such additional investment companies have sales and redeemption charges consistent with those described in the proposed exchange plan. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below, and to the Act and rules thereunder for the test of the applicable provisions thereof.

Distributors maintains a continuous public offering of shares of each of the No-load Funds at their respective net asset values and of each of the Load Funds at their respective net asset values, plus a sales charge and, in certain cases, an additional fee upon redemption. For purposes of the exchange privileges, any fee upon redemption of a Fund's shares is treated as a part of the sales charge applicable to such shares.

Applicants propose to make offers of exchange pursuant to the following plan:

(1) Shares of any No-load or Load Fund ("Initial Fund") that were not acquired by exchange of shares of another Fund, and reinvested shares accrued on such shares, may be exchanged ("Initial Exchange") for shares of any Load Fund ("Successor Fund") based on relative net asset value plus the sales charge applicable to the shares of the Successor Fund less the higher of (i) the sales charge, if any, the exchanging shareholder paid for the shares of the Initial Fund or (ii) the sales charge, if any, applicable to the Initial Fund at the time of the exchange.

(2) Shares of any No-Load or Load Fund ("Predecessor Fund") acquired after an Initial Exchange by one or a series of further exchanges for shares of one or more Funds, and reinvested shares accrued on the shares of such Predecessor Fund, may be exchanged for any Load Fund ("Successor Fund") based on relative net asset value plus the sales charge applicable to the shares of the Successor Fund less the higher of (i) the total sales charges, if any, the exchanging shareholder paid with respect to acquisition of the shares of the Initial Fund and all exchange transactions thereafter leading to acquisition of the shares of the Predecessor Fund or (ii) the sales charge, if any, applicable to the Predecessor Fund at the time of the exchange.

Applicants assert that the proposed exchange plan would, in certain cases, enable a shareholder of a No-load Fund or Load Fund ("Predecessor Fund") to exchange his shares for shares of a Load Fund ("Successor Fund") on a basis other than net asset value, because the shareholder would be required to pay the difference between the sales charge applicable on shares of the Successor Fund and the higher of (i) the sales charge applicable to the Predecessor Fund at the time of the exchange or (ii) the sales charge he has already paid with respect to the acquisition of shares of the Initial Fund and all exchange transactions thereafter leading to acquisition of the Predecessor Fund. Applicants state that in certain instances, when a No-load Fund institutes a sales charge or a Load Fund increases the amount of its sales charge after an investor has purchased shares of the Fund, the investor would be able to have the higher sales charge credited to him for purposes of an exchange into another Load Fund. Such an investor, therefore, may pay a lower total sales

charge than an investor directly purchasing the latter Load Fund. Applicants anticipate that such instances will be relatively infrequent.

Applicants assert that shareholders will be notified of the exchange privilege, including the possibility of sales charges being applicable, via their Fund's prospectuses and possibly in other communications. In the event that Applicants determine no longer to provide the proposed exchange privilege, however, no notice thereof will be provided other than through the next effective propectuses of the Funds.

The purpose of the proposed exchange plan is to permit a shareholder whose investment objectives change to switch his investment to a different Fund within the complex of Funds, without the charge of an additional full sales charge. Applicants submit that the proposed plan is intended to treat those shareholders exchanging into a Fund and its existing shareholders equitably without disrupting the distribution system of the Funds. An investor acquiring shares of a particular Fund through any combination of exchanges and purchases of shares of other Funds will ordinarily have paid in total charges an amount at least equal to the sales charge paid by those investors who had invested directly in that particular Fund. To allow shareholders to exchange freely without payment of any additional sales charge, Applicants assert, could disrupt the distribution system of the Funds since an investor could easily avoid the full sales charge of a Load Fund by first purchasing a No-Load Fund or a Load Fund with a lower sales charge and switching to a Load Fund with a higher sales charge.

Applicants claim that (i) the proposed exchange plan is fair and equitable to shareholders of all the Funds and (ii) the order requested hereby is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants accordingly submit that an order should be granted exempting the proposed exchange plan from the provisions of section 11(a) of the Act, to the extent necessary.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than January 17, 1986, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-31026 Filed 12-31-85; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-14428]

Application and Opportunity for Hearing; The Dayton Power and Light Co.

December 23, 1985.

Notice is hereby given that the Dayton Power and Light Company (the "Company") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of Irving Trust Company under an indenture heretofore qualified under the Act, and one or more indentures not to be so qualified, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Irving Trust Company from acting as Trustee under the qualified indenture.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall within 90 days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign.

Subsection (1) of such Section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Securities and Exchange Commission ("the Commission") and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest of for the protection of investors to disqualify such trustee from acting as trustee under the qualified indenture.

The Company alleges that:

(1) Irving Trust Company is presently acting as trustee under the First and Refunding Mortgage dated as of October 1, 1935, as amended and supplemented by 32 supplemental indentures (the "Mortgage Indenture"), between the Company and Irving Trust Company as Trustee (the "Mortgage Trustee"), pursuant to which $818,735,000 principal amount of the Company's First Mortgage Bonds are issued and outstanding, as of September 30, 1985. It is presently contemplated that Irving Trust Company will also act as Trustee ("Indenture Trustee") under one or more indentures to be dated as of December 1, 1985 between it and the Ohio Air Quality Development Authority (the "Authority"), body politic and corporate and political subdivision of the State of Ohio, whereby the Authority will issue and sell no more than $167,757,000 of its State of Ohio Pollution Control Revenue Bonds, 1985 Series Due 2015 (the "Pollution Control Bonds"). This indenture(s) will not be qualified pursuant to the terms of the Act.

(2) The Pollution Control Bonds are being issued to finance the cost of portions of certain air pollution control facilities (the "Project") in connection with the Zimmer Power Plant located in Clermont County, Ohio. The proceeds of the sale of the Pollution Control Bonds will be loaned by the Authority to the Company to finance the cost of such facilities, pursuant to the Loan Agreement(s) between the Authority and the Company to be dated as of December 1, 1985 (the "Loan Agreement(s)"). The Pollution Control Bonds will be payable solely from payments made by the Company under the Company's First Mortgage Bonds, Series Due 2015 (the "New Mortgage Bonds"). Such payments will be made over the life of the Pollution Control Bonds, secured by a pledge of the Company's New Mortgage Bonds to be issued under a supplemental indenture(s) to the Mortgage Indenture.

(3) The Company's New Mortgage Bonds will be issued in an aggregate principal amount equal to, bear interest at a rate corresponding to, and having the same maturity and redemption provisions as the Pollution Control

Bonds. The New Mortgage Bonds will rank pari passu with all First Mortgage Bonds issued and outstanding under the Mortgage Indenture.

(4) The Authority will assign to Irving Turst Company as Indenture Trustee all its rights and interest in and to the New Mortgage Bonds and all its rights under the Loan Agreement(s). The Indenture Trustee may not transfer the New Mortgage Bonds except to a successor trustee under the relevant indenture(s). The Trustee will have no lien on or other interest in the Project and the obligation to make payments in respect of the Pollution Control Bonds will be secured by no collateral other than the New Mortgage Bonds.

(5) It is believed that since the Pollution Control Bonds are payable solely from payments made by the Company under the New Mortgage Bonds, the Trust Indenture(s) is comparable to a "collateral trust indenture" with respect to which an exception to section 310(b)(1) of the Act is provided by clauses (1)(A) and (1)(B) thereof. In the event that the Company fails to make the required payments, the New Mortgage Bonds are the only collateral.

The obligations of the Company under the Mortgage Indenture are secured by a lien on substantially all the Company's fixed property and franchises, subject only to excepted encumbrances permitted by the Mortgage Indenture.

The Company has waived notice of hearing, hearing, and any and all rights to specify procedures under the Rules of Practice of the Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document, File No. 22-14428 in the Office of the Commission's Public Reference Section, at 450 Fifth Street, NW., Washington, DC 20549.

Notice is further given that any interested person may, not later than January 21, 1986 request in writing that a hearing be held on such matter, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, DC 20549. Any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-31027 Filed 12-31-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-14869; File No. 812-6174]

EBI Equity, Inc.; Application for Amended Order

December 23, 1985.

Notice is hereby given that EBI Equity, Inc., EBI Income, Inc. ("Funds"), and EBI Cash Management Inc. (collectively, "Applicants"), filed an application on August 9, 1985, requesting an order pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") amending an existing order of the Commission dated February 24, 1984 (Investment Company Act Release No. 13789). The existing order exempts the Applicants from provisions of sections 2(a)(32), 2(a)(35) and 22(c) of the Act and Rule 22c-1 thereunder, to the extent necessary to permit the imposition of a contingent deferred sales charge under certain conditions. The amended order would grant an additional exemption from sections 22(c) and 22(d) of the Act and Rule 22c-1 thereunder to permit the waiver of such contingent deferred sales charge under the circumstances described below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the relevant provisions thereof.

Applicants state that they are registered under the Act as open-end, diversified management investment companies. Applicants state that shares in each of the Applicants are offered for sale to the public through the Applicants' principal underwriter, Gemini Capital Management, Inc. ("Distributor"), primarily to profit sharing and pension trusts. Each Fund generally requires a minimum investment of $100,000, less any amounts invested in the other Applicants.

According to the application, the Funds distribute their shares pursuant to plans of distribution adopted under Rule 12b-1 of the Act ("Rule 12b-1 Plans") and in conjunction therewith impose a contingent deferred sales charge with respect to redemptions of shares purchased pursuant to such Rule 12b-1 Plans. EBI Cash Management, Inc. does not currently have a plan of distribution under Rule 12b-1; however, if shares of EBI Cash Management, Inc. are accquired as a result of an exchange of shares from the Funds and the shares tendered are subject to a contingent deferred sales charge such charge will carry over to the shares being acquired. Applicants represent that the contingent deferred sales charge will be imposed, except as noted below, if an investor makes a partial or complete redemption of shares purchased with respect to which the Funds have paid commissions.

Applicants request an exemption from the provisions of section 22(c) and 22(d) of the Act and Rule 22c-1 thereunder to permit waiver of the contingent deferred sales charge with respect to the following limited circumstances involving redemptions of the shares of Applicants: with respect to investors who are individuals, redemptions following the death, disability (as defined in the Internal Revenue Code of 1954) or retirement of shareholder; with respect to investors which are tax-exempt employee benefit plans, redemptions (i) following the death, disability (as defined in the Internal Revenue Code of 1954) or retirement of a plan participant, (ii) as a result of the enactment or promulgation of any law or regulation pursuant to which continuation of the investment in the Applicants would be improper, (iii) as a result of the determination by any applicable regulatory authority that continuation of the investments in the Applicants is improper, or (iv) following a change in control of a plan sponsor or the appointment of a new plan fiduciary; and with respect to investors which are banks, trust companies or other financial institutions with trust powers, redemptions of shares purchased with trust funds, provided that such banks, trust companies or other financial institutions with trust powers have made such purchases in the exercise of discretionary investment authority and not at the direction of the grantor or the beneficiary of such trust or of any other third party.

Applicants assert that granting the requested amendment to the existing order would not result in the abuses addressed by section 22(c), Rule 22c-1 thereunder or section 22(d) of the Act. Applicants assert that the requested amendment will not result in unjust discrimination among investors. Applicants state that the waiver of the contingent deferred sales charge will apply only to highly limited categories of persons and would not create a widespread opportunity for investors to avoid the imposition of the contingent deferred sales charge to the detriment of the Funds. Applicants assert that it

would be fair and equitabale and in the public interest and the interest of the shareholders for the contingent deferred sales charge to be waived on the redemptions described above since, in the waiver situations described, the redemption is normally unforeseen by the shareholder at the time of purchase. The Applicants contend that the waiver of the contingent deferred sales charge in the extraordinary and limited circumstances described is justified on basic considerations of fairness.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than January 17, 1986, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeller,

Secretary.

[FR Doc. 85-31028 Filed 12-31-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-14874; File No. 811-162]

Interwest Corp.; Application

December 24, 1985.

Notice is hereby given that Interwest Corporation, formerly Overseas Securities Co., Inc. ("Applicant"), 1525 Elm Street, LTV Tower, Penthouse, Dallas, Texas 75201, registered under the Investment Company Act of 1940 ("Act") as a non-diversified, closed-end management investment company, filed an application on October 8, 1985, for an order of the Commission, pursuant to section 8(f) of the Act, declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act and rules thereunder for the text of the applicable provisions thereof.

Applicant was incorporated under the laws of New York on April 29, 1920 and changed its status to non-diversified in 1974 with approval of 96.3% of the shares present at the 1974 shareholders' meeting.

According to the application, Applicant has been investigating opportunities for taking advantage of its non-diversified status since 1974, including the possibility of merging or acquiring other companies. At the annual meeting of stockholders on March 24, 1977, by a vote of 199,044 to 5,788, the stockholders voted in favor of a management proposal for authorization to explore investment opportunities available to Applicant which could result in the termination of Applicant's status as a registered investment company.

On July 24, 1985, the Board of Directors of Applicant authorized the execution of a Contract of Sale between Applicant and Lon M. Houseman, Trustee ("Seller") under which Applicant agreed to purchase from Seller approximately 4.9 acres of undeveloped land ("Property") situated between the cities of Dallas and Fort Worth. Applicant held a special shareholders' meeting on August 28, 1985 at which time the shareholders approved the following Board proposals: (1) That Applicant's Invesment Objectives and Policies be amended so as to authorize the acquisition, development, management, leasing and sale of real property; (2) that Applicant's name be changed to Interwest Corporation; (3) that the Applicant cease to be an investment company and that it deregister under the Act. Pursuant to the proposed change in policy, the Board indicated that a substantial amount of Applicant's liquid assets would be sold and the proceeds would be utilized to pay a portion of the purchase price for the Property. Applicant proceeded to liquidate securities in its portfolio to provide funds for the acquisiton and development of the Property. On September 3, 1985, Applicant acquired the Property for a total purchase price of approximately $748,000.

Applicant asserts that substantially all of its assets are devoted to its real estate business. Applicant claims that an analysis of its assets under the 40% test of section 3(a)(3) as of October 1, 1985 shows that investment securities constitute less than 35% of the value of its total assets, other than excluded assets. Applicant submits that it is primarily engaged in the real estate business and neither engages nor intends to engage in activities which would bring it within the section 3(a) definition of an investment company.

For the reasons stated, Applicant believes that the granting of the order requested would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than January 17, 1986, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact of law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commisison, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-31029 Filed 12-31-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-14870; File No. 812-6177]

Twelve Star Partners, Ltd.; Application

December 23, 1985.

Notice is hereby given that Twelve Star Partners, Ltd. ("Applicant"), a Florida limited partnership, 180 Park Avenue North, Suite 2-B, Winter Park, Florida 32789, filed an application on August 12, 1985 pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), for an order exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act and the rules thereunder for all the applicable provisions.

Applicant represents that it was formed for the purpose of participating in the distribution of twelve designated motion pictures ("Pictures") through the acquisition of a limited partnership interest in Warner Bros. Twelve Star Distributing Company, a California limited partnership ("Venture"). Allen J. Schwalb will act as the general partner of Applicant ("General Partner") and

Warner Bros. Distributing Corporation ("Warner") will act as general partner of the Venture and will contribute certain rights in the Pictures to the Venture as its capital contribution, as well as cash needed to meet expenses in excess of Applicant's contributions.

Applicant states that it intends to offer a minimum of 37½ and a maximum of 252 units of limited partnership interest ("Units") pursuant to Regulation D promulgated under the Securities Act of 1933 ("Securities Act") at a price of $240,000 per Unit ("Offering"). The total purchase price per Unit is payable, generally speaking, through a "subscription capital contribution" of $88,000, and an "additional capital contribution" of $152,000. The additional capital contribution of $152,000 per Unit is to be payable through the proceeds of a loan to the limited partner from Bank of America, Los Angeles, California ("Loan").

Applicant represents that the Units will be offered through the Applicant and various members of the National Association of Securities Dealers' registered broker/dealers. Each investor will receive a private placement memorandum fully describing the offering, prepared in accordance with Regulation D. The Applicant will file with the Commission a Notice of Sales of Securities Pursuant to Regulation D or section 4(6), on Form D relating to the sale of the Units under the Securities Act of 1933. Each prospective investor must have: (a) A net worth (exclusive of house, furnishings and automobiles) of at least $400,000 per Unit purchased (prorated for fractional Units, but not less than $200,000); and (b) taxable income for Federal income tax purposes for 1985 subject to tax at the 50% marginal rate if more than one half Unit is purchased or 40% if one half Unit or less is purchased.

Applicant states that the purpose of the Venture is to own, distribute and exploit the Pictures. Warner, as the general partner of the Venture, must use the amount contributed by Applicant to distribute and exploit the Pictures. Warner will contribute to the Venture all of its right, title and interest in and to each Picture necessary to exploit the Pictures in media in the United States to the extent owned by Warner. Applicant's contribution to the Venture will be used primarily to fund certain advertising and releasing costs incurred by the Venture in connection with the Pictures. At the time the application was filed ten of the pictures were scheduled to be released between September and December 1985 and two of the Pictures were scheduled for release in 1986.

Applicant states that although the Agreement of Limited Partnership of the Venture ("Venture Agreement") contains no requirements concerning how Warner should advertise or release the Pictures or how much of the Venture's assets Warner shall expend with respect to any Picture, Warner, as the general partner of Venture, has a fiduciary duty to exercise its business judgment in good faith and Applicant expects that Warner will distribute the Pictures in accordance with the customary standards and practices of Warner and the motion picture industry.

Warner is responsible for the day-to-day operation of the Venture, having sole and complete authority to make all decisions as to the distribution and exploitation of the Pictures. Warner, however, is obligated to devote only such time to the Venture as it, in its sole discretion, determines to be necessary and appropriate. Applicant's General Partner and his affiliates are entitled to substantial fees in connection with this transaction. Among other things, the General Partner intends to retain Amex International, Inc. ("Amex"), a Florida corporation which is an affiliate of the General Partner, to manage the Applicant's affairs on a day-to-day basis. Amex is entitled to receive a management fee equal to certain fixed amounts in 1985 and 1986, plus 2% of the Applicant's Available Cash (as defined in the Certificate and Agreement of Limited Partnership of Twelve Star Partners, Ltd. ("Partnership Agreement")).

Applicant represents that generally it will be entitled to allocations of items of gross income and gain measured by certain percentages of gross receipts of the pictures, as well as by certain fixed amounts. "Gross Receipts" are generally defined as all monies received by the Venture or Warner, without any reductions, from the following sources in the U.S.: threatrical exhibition of the Pictures; non-theatrical exhibition of the Pictures; network, pay/cable and syndicated television; and specifically defined percentages of certain ancillary income. Applicant will generally be allocated 99% of all items of Venture loss and deductions attributable to the Venture's cash expenditures (primarily advertising expenses and the management fee to Warner), as well as to amortization of positive release prints of the Pictures, until Applicant has been allocated an amount of loss and deduction equal to its capital contribution. Warner is allocated 100% of all items of deduction attributable to depreciation of the Pictures and all other deductions not allocated to the Applicant.

Applicant represents that all items of Applicant's income, gain, loss and deduction will be allocated 98% to the Limited Partners and 2% to the General Partner, with the exception of certain special allocations. Items of Applicant credit will be allocated 98%, or the maximum permitted by law, if different, to the Limited Partners, with the Balance to the General Partner. All items allocated to the Limited Partners as a group generally will be allocated among them in accordance with the respective number of Units owned by each. In the event that all Limited Partners are not admitted on the same date, the allocations per Unit for 1985 may differ depending on admission dates. Applicant further states that distributions of Available Cash will be made by the Applicant beginning in 1985. Distributions will generally be made 98% to the Limited Partners and 2% to the General Partner, with the exception of permitted distributions made in return of capital and distributions, the proceeds of which must be used to make payments of principal and interest under the Loan. It is expected that substantial portions of such cash distributions in 1986, 1987 and 1988 will be used to make payments of principal under the Loan. Upon the dissolution of the Applicant, the General Partner will liquidate the assets as promptly as is consistent with obtaining a fair value. Any gains therefrom will be first allocated pro rata to all partners who have a negative balance in their capital account in order to bring such accounts up to zero, and thereafter gains and losses will be allocated in accordance with the allocation provisions described above.

Applicant concedes that it may be classified as an investment company as defined in section 3(a) of the Act, but submits that it is part of a unique business arrangement of a type that Congress did not intend to be regulated pursuant to the Act, and that therefore its exemption from the Act would be appropriate in the public interest, and consistent with the protection of investors and the purposes clearly intended by the policy and provisions of the Act. Unlike securities held by traditional investment companies, it is asserted that Applicant's interest in the Venture will not be liquid, mobile, or readily negotiable. Applicant will have no discretion with regard to investing the net proceeds raised in the offering and will not be able to make any other investments. The use of all proceeds obtained by Applicant from any source

have been prescribed by the Partnership Agreement and the Venture Agreement.

Finally, Applicant contends that investors in Applicant will be amply protected by: (a) Full disclosure in the private placement memorandum of all aspects of their investment; (b) suitability standards for prospective investors established by Applicant; (c) limitation on the discretion of the Applicant's General Partner; (d) rights of Limited Partners provided under the Partnership Agreement and Florida law; and (e) reporting requirements imposed on the Applicant and the Venture.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than January 17, 1986 at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of the request should be served personally or by mail upon Applicant(s) at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-31030 Filed 12-31-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22738; File No. SR-MSTC85-7]

Self-Regulatory Organizations; Proposed Rule Change by Midwest Securities Trust Company Relating to Article I, Rule 1 and Article VII, Rule 9 of the Rules of the Midwest Securities Trust Company

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on November 14, 1985, the Midwest Securities Trust Company filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Article I, Rule 1 and Article VII, Rule 9 of the Rules of the Midwest Securities Trust Company are hereby amended as follows:

Article I.—Definitions and General Provision Definitions

Rule 1. Unless the context requires otherwise, the terms defined in this Rule shall, for all purposes of these Rules, have the meanings herein specified.

[The following are to be placed alphabetically in the current list of definitions.]

Correspondent Depository

The term "Correspondent Depository" means another:

(1) Clearing Corporation,

(2) Custodian Bank, [or]

(3) nominee, *or*

(4) a Foreign Clearing Corporation, at which the Corporation maintains an account or Securities on deposit pursuant to Subsection *(1)* (k) of Rule 3 of Article I hereof or through which receipt and delivery of Securities may be made pursuant to Subsection *(1)* (1) of Rule 3 of Article I hereof.

Foreign Clearing Corporation

The term "Foreign Clearing Corporation" means any foreign clearing corporation under the definition thereof set forth in Article 8 of the Uniform Commercial Code as in effect in the State of Illinois.[1]

Article VII.—Miscellaneous Governing Law

Rule 9. The interpretation, construction and operation of the Rules of the corporation and the respective rights and obligations of the Corporation and Participants shall be determined under the laws of Illinois.

All deliveries, transfers or pledges of securities by Participants through the facilities of the Corporation shall be determined under the Uniform Commercial Code as in effect in Illinois.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.

The above rule change is consistent with a recent amendment to Article 8 of the Uniform Commercial Code (UCC) as adopted in Illinois. UCC section 8-320 now recognizes book-entry movement of securities in the custody of a "foreign clearing corporation". Under new UCC subsection 8-320(7), a foreign clearing corporation is an entity in the business of holding securities outside the United States on behalf of others, and with which a registered clearing corporation such as MSTC is permitted by the Commission to hold securities positions.

MSTC anticipates that it will enter into interface agreements with foreign clearing corporations in the future. These foreign interfaces will represent an important advance in the clearance and settlement of securities transactions effected by United States broker-dealers and their counterparts abroad.

This rule change will make MSTC rules consistent with the recent changes to Article 8 of the UCC in Illinois in order to allow MSTC to proceed with developing interfaces with foreign clearing corporations. The rule change also clarifies the application of the UCC as adopted in Illinois to securities transfers by MSTC Participants. MSTC will make appropriate filings as necessary with the Commission on a case by case basis before establishing any particular interface arrangements with a foreign clearing corporation.

The proposed rule change is consistent with section 17A of the Securities. Exchange Act of 1934 in that it provides for the prompt and accurate clearance and settlement of securities transactions. The proposed change will facilitate the linking of all clearance and settlement facilities and the development of uniform standards and procedures in securities processing. The establishment of interfaces with foreign clearing corporations will reduce unnecessary costs and will increase the protection of investors and broker-dealers who effect transactions in foreign securities.

[1] The amendments to section 8-320 of the Illinois Uniform Commercial Code, among other things, define foreign clearing corporation as: "an entity or organization in the business of holding securities outside the United States on behalf of others and with which a registered clearing corporation is permitted by the Securities and Exchange Commission to maintain securities positions.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Midwest Stock Exchange, Incorporated does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities & Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendents, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-referenced self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 23, 1986.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 23, 1985.

John Wheeler,

Secretary.

[FR Doc. 85-31032 Filed 12-31-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22739; File No. SR-NASD-85-32]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change

December 23, 1985.

The National Association of Securities Dealers Inc. ("NASD") submitted on October 28, 1985, copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder, to require that all NASDAQ system issuers provide the NASD with two additional copies of all annual and quarterly reports required to be filed with the Securities and Exchange Commission.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission release (Securities Exchange Act Release No. 22600, November 7, 1985) and by publication in the **Federal Register** (50 FR 47473, November 18, 1985). No comments were received with respect to the proposed filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD and, in particular, the requirements of Section 15A and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, the above mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a).

John Wheeler,

Secretary.

[FR Doc. 85-31031 Filed 12-31-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22732; File No. SR-OCC-85-18]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by Options Clearing Corp. To Provide for the Issuance, Clearance and Settlement of European-Style Treasury Bill Options

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on November 20, 1985, the Options Clearing Corporation ("OCC") filed the proposed rule change described below and requested that the Commission grant accelerated approval. The Commission is publishing this notice to solicit comments on the proposed rule change.

OCC stated in its filing that the purpose of the proposed rule change is to enable OCC to issue, clear and settle European-style Treasury bill options. A European-style option is one that may be exercised only at expiration.[1] The American Stock Exchange has proposed that these options be traded on the Exchange.[2]

The Commission recently approved a rule change which enables OCC to issue, clear and settle European-style index options.[3] That rule change consisted of amendments to OCC's By-Laws and Rules that are applicable to European-style options generally and, therefore, will apply to European-style Treasury bill options. Specifically, OCC's By-Laws and Rules that were adapted for European-style options regarding definitions, general rights and obligations of options holders and writers, submission of trade reports, margin requirements, exercise procedures and exercise settlement procedures will apply, with some slight differences discussed below, to European-style Treasury bill options as well.

Clearance and settlement of opening and closing transactions in European-style Treasury bill options will be identical to clearance and settlement of transactions in other Treasury securities options.[4] Unlike American-style Treasury securities options, however, European-style Treasury bill options may be exercised only on their expiration date and will be subject to expiration date procedures different from those applicable to other options. European-style Treasury bill options expire on business days (ordinarily Tuesdays) rather than Saturday;[5] thus,

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[1] *See* OCC Article I, Section 1 (uuu). In contrast, American-style options can be exercised at any time up to and including their expiration date. *See* OCC Article I, Section 1 (ttt).

[2] *See* Securities Exchange Act Release No. 22492 (October 2, 1985), 50 FR 41076 (October 8, 1985).

[3] *See* Securities Exchange Act Release No. 22236 (July 12, 1985), 50 FR 29289 (July 18, 1985).

[4] *See* Article VI of OCC's By-Laws.

[5] Section 1(o) of Article XIII, of OCC's By-Laws as amended by this rule change, will define the expiration date of European-style Treasury bill options to be the "second business day preceding the earliest day of the expiration month on which a one-year Treasury bill has thirteen weeks remaining to maturity." The expiration dates of all other Treasury securities options fall on Saturdays.

some of the rule changes OCC proposes in the present filing are required to accommodate a weekday expiration date. Furthermore, since European-style Treasury bill options may be exercised only on their expiration date, OCC developed new exercise procedures.[6] For example, OCC will not issue Preliminary Exercise Reports and Final Exercise Reports on expiring Treasury bill options as provided in Rule 805 which applies to OCC options expiring on Saturdays. Instead, under proposed Rule 806, OCC will issue on the morning of expiration date a report listing European-style Treasury bill options expiring on that date. The report will not list closing prices for the underlying Treasury bills and Clearing Members will not be required to respond to the report.

Clearing members may exercise their options by submitting exercise notices in accordance with proposed Rule 806. That proposed Rule essentially mirrors OCC procedures currently in effect for the exercise of any option on a day other than its expiration date.[7] Proposed Rule 806 also includes provisions analogous to those of Rule 805 and Section 18 of the By-Laws relating to the the tender of exercise notices after their deadline but prior to their expiration time, and to the extension of deadlines in extraordinary circumstances for the acceptance of such notices beyond the expiration time.[8] Procedures for assignment of exercise notices to Clearing Members with open short positions in European-style Treasury bill options will be identical to procedures for assignment of American-style Treasury security option exercise notices.[9] The proposed rule change also would amend Rule 1405 to establish as the exercise settlement date for European-style Treasury bill options the Thursday following the expiration date (ordinarily a Tuesday). Finally, the proposed rule change makes various conforming amendments to the Rules and By-Laws to allow for the new style of Treasury bill option.

OCC states that the proposed rule change is consistent with the Act because it facilitates the prompt and accurate clearance and settlement of European-style Treasury bill options. It does so by applying to European-style Treasury bill options substantially the same clearing system and rules currently used for American-style Treasury bill options, varied only to the extent necessary or desirable to reflect the distinctive exercise features of European-style Treasury bill options.

OCC requested that the Commission approve the proposed rule change on an accelerated basis pursuant to section 19(b)(2) of the Act. OCC requested accelerated approval to make the changes effective on or before the date on which the Commission approves Amex's corresponding filing (File No. SR–Amex–85–30) permitting trading in European-style Treasury bill options on the Exchange.

Within 35 days of the date of the publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding; or (ii) as to which the self-regulatory organization consents, the Commission will by order approve the proposed rule change or institute proceedings to determine whether it should be disapproved. Interested persons are invited to submit written data, views and arguments concerning the proposal. Persons making written submissions should file six copies with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549.

Copies of the filing, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of the filing will also be available for inspection and copying at the principal office of the Options Clearing Corporation.

All submissions should refer to the file number in the caption above and should be submitted by January 23, 1986.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 20, 1985.

John Wheeler,

Secretary.

[FR Doc. 85–31033 Filed 12–31–85; 8:45 am]

BILLING CODE 8010–01–M

[6] OCC Rule 805 contains OCC's current expiration date exercise procedures. These procedures specifically apply to options with expiration dates on Saturdays.

[7] *See* OCC Rule 805(e).

[8] *See* OCC Rule 801 for a description of those procedures.

[9] *See* OCC Rule 1403.

DEPARTMENT OF TRANSPORTATION

[Order 85–12–70; Docket 43687]

Institution of Denver-London Route Proceeding

AGENCY: Department of Transportation.

ACTION: Institution of *Denver-London Route Proceeding* (Order 85–12–70) Docket 43687.

SUMMARY: The Department has decided to institute the *Denver-London Route Proceeding* to select a primary and a backup carrier to provide scheduled combination service in the Denver-London market. The proceeding will be set for an oral evidentiary hearing before an Administrative Law Judge. The Department has also decided to deny the applications of Continental Air Lines, Inc. and People Express Airlines, Inc. for *pendente lite* exemption authority to serve the Denver-London market.

DATES: Applications, motions to consolidate, petitions for leave to intervene, and petitions for reconsideration shall be filed by January 10, 1986. Answers shall be filed by January 17, 1986.

ADDRESSES: Applications, motions, petitions, and answers should be filed in Docket 43687, and addressed to the Office of Documentary Services, U.S. Department of Transportation, 400 Seventh Street, SW., Room 4107, Washington, DC 20590, and should be served on all parties in Docket 43687.

To obtain a copy of the subject order, write to the Documentary Services Division (C–55) at the above address.

FOR FURTHER INFORMATION CONTACT: Regis P. Milan, Jr., J. Kevin Kennedy, or John D. Keppel, Public Proceedings Division, P–46, Office of Aviation Operations, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 755–3816.

Dated: December 26, 1985.

Matthew V. Scocozza,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 85–30929 Filed 12–31–85; 8:45 am]

BILLING CODE 4910–62–M

Maritime Administration

Northern Mariana Islands; Outline of Prospective U.S. Flag Shipping Service

Notice is hereby given that in response to inquiries by the Governor of the Commonwealth of the Northern Mariana Islands to further the carriage of liner cargoes in the U.S. foreign

commerce to and from the islands of the Northern Marianas, the Maritime Administration is seeking responsible parties to provide an outline of prospective U.S.-flag shipping service which would further this goal. The outline of service should indicate the frequency of service, when such service would begin, vessels to be employed (including sale or charter terms, if MARAD vessels are to be used), and financial capabilities and background of parties intending to participate in such a proposed venture.

Interested parties desiring to provide such a proposal should submit the same, in triplicate, to the Secretary, Maritime Administration, Room 7300, 400 7th Street, SW., Washington, DC 20590, on or before 5:00 p.m., January 9, 1986. The Maritime Administrator will consider such proposals and take such action with respect thereto as may be deemed appropriate.

By Order of the Maritime Administrator.

Dated: December 30, 1985.

Georgia P. Stamas,

Secretary, Maritime Administration.

[FR Doc. 85-30448 Filed 12-31-85; 8:45 am]

BILLING CODE 4910-81-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirement(s) Submitted to OMB for Review

Dated: December 24, 1985.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of this submission may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 7221, 1201 Constitution Avenue, NW., Washington, DC 20220.

Alcohol, Tobacco and Firearms

OMB Number: 1512-0181
Form Number: ATF F 4643 (5200.12)
Type of Review: Extension
Title: Contractor's Accounting of Tax Exempt Cigarettes

OMB Number: 1512-0188
Form Number: ATF F 5100.1
Type of Review: Extension
Title: Signing Authority for Corporate Officials

OMB Number: 1512-0199
Form Number: ATF F 5100.30
Type of Review: Extension
Title: Drawback on Distilled Spirits Exported

Clearance Officer: Howard Hood (202) 566-7077, Bureau of Alcohol, Tobacco and Firearms, Room 2228, Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20226

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

Internal Revenue Service

OMB Number: 1545-0023
Form Number: 720
Type of Review: Revision
Title: Quarterly Federal Excise Tax Return

Clearance Officer: Garrick Shear (202) 566-6150, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224

OMB Reviewer: Robert Neal (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

Joseph F. Maty,

Departmental Reports Management Office.

[FR Doc. 85-30953 Filed 12-31-85; 8:45 am]

BILLING CODE 4810-25-M

Office of the Secretary

[Supplement to Department Circular—Public Debt Series—No. 38-85]

Treasury Notes; Series AD-1987

Washington, December 18, 1985.

The Secretary announced on December 17, 1985, that the interest rate on the notes designated Series AD-1987, described in Department Circular—Public Debt Series—No. 38-85 dated December 12, 1985, will be 7⅞ percent. Interest on the notes will be payable at the rate of 7⅞ percent per annum.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 85-30968 Filed 12-31-85; 8:45 am]

BILLING CODE 4810-40-M

[Supplement to Department Circular—Public Debt Series—No. 39-85]

Treasury Notes; Series P-1989

Washington, December 19, 1985.

The Secretary announced on December 18, 1985, that the interest rate on the notes designated Series P-1989, described in Department Circular—Public Dept Series—No. 39-85 dated December 12, 1985, will be 8⅜ percent. Interest on the notes will be payable at the rate of 8⅜ percent per annum.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 85-30969 Filed 12-31-85; 8:45 am]

BILLING CODE 4810-40-M

Fiscal Service

[Dept. Circ. 570, 1985 Rev., Supp. No. 8]

Surety Companies Acceptable on Federal Bonds; Termination of Authority; Sentry Indemnity Co.

Notice is hereby given that the Certificate of Authority issued by the Treasury to Sentry Indemnity Company, of Stevens Point, Wisconsin, under the United States Code, Title 31, sections 9304-9308, to qualify as an acceptable surety on Federal bonds is terminated effective this date.

The Company was last listed as an acceptable surety on Federal bonds at 50 FR 27131, July 1, 1985.

With respect to any bonds currently in force with Sentry Indemnity Company, bond-approving officers for the Government may let such bonds run to expiration and need not secure new bonds. However, no new bonds should be accepted from the company.

Questions concering this notice may be directed to the Department of the Treasury, Financial Management Service, Finance Division, Surety Bond Branch, Washington, D.C. 20226, telephone (202) 634-2347.

Dated: December 12, 1985.

W.E. Douglas,

Commissioner, Financial Management Service.

[FR Doc. 85-30949 Filed 12-31-85; 8:45 am]

BILLING CODE 4810-325-M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 1
Thursday, January 2, 1986

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

INTERNATIONAL TRADE COMMISSION

[USITC SE-85-54]

TIME AND DATE: Friday, January 3, 1986, at 11:00 a.m.

PLACE: Room 117, 701 E Street, NW., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratification List.
4. Petitions and Complaints.
5. Investigation 731-TA-239 [Final] (Rock Salt from Canada)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-31002 Filed 12-27-85; 4:32 pm]

BILLING CODE 7020-02-M

2

INTERNATIONAL TRADE COMMISSION

[USITC SE-85-55]

TIME AND DATE: Monday, January 6, 1986, at 2:00 p.m.

PLACE: Room 117, 701 E Street, NW., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Petitions and Complaints:
   a. Certain miniature hacksaws (Docket No. 1278).
2. Investigation 731-TA-247 [Final] (Low-fuming brazing copper wire and rod from South Africa)—briefing and vote.
3. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

Kenneth R. Mason,

Secretary.

Dated: December 20, 1985.

[FR Doc. 85-31039 Filed 12-27-85; 4:32 pm]

BILLING CODE 7020-02-M

3

INTERNATIONAL TRADE COMMISSION

[USITC SE-85-56]

TIME AND DATE: Wednesday, January 8, 1986, at 2:00 p.m.

PLACE: Room 117, 701 E Street, NW., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratification List.
4. Petitions and Complaints.
   a. Certain vacuum cleaner foot switches (Docket No. 1270).
5. Investigation 731-TA-211 [Final] (Certain Welded carbon steel pipes and tubes from Taiwan)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

Dated: December 20, 1985.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-31038 Filed 12-27-85; 4:32 pm]

BILLING CODE 7020-02-M

Federal Register

Thursday
January 2, 1986

Part II

Environmental Protection Agency

40 CFR Part 60

Standards of Performance for New Stationary Sources; Basic Oxygen Process Furnaces; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-2915-5]

Standards of Performance for New Stationary Sources; Basic Oxygen Process Furnaces

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On January 20, 1983, amendments to the standards of performance for primary emissions from basic oxygen process furnaces (BOPF's) (40 CFR Part 60, Subpart N) were proposed, together with standards of performance for secondary emissions from basic oxygen process steelmaking facilities (40 CFR Part 60, Subpart Na). This action promulgates the amendments to Subpart N, which are applicable to any BOPF constructed, reconstructed, or modified after June 11, 1973. This action also promulgates Subpart Na, which is applicable to any top-blown BOPF and to any hot metal transfer station or skimming station used for a bottom-blown or top-blown BOPF, for which construction, reconstruction, or modification commenced after January 20, 1983.

These standards implement section 111 of the Clean Air Act and are based on a determination that iron and steel plants cause, or contribute significantly to, air pollution that may reasonably be anticipated to endanger public health or welfare. The intended effect of these standards is to require all new, modified, and reconstructed BOPF's to control primary and secondary emissions to the level achievable through use of the best demonstrated system of continuous emission reduction, considering costs, nonair quality health and environmental impacts, and energy requirements.

EFFECTIVE DATE: January 2, 1986.

Under section 307(b)(1) of the Clean Air Act, judicial review of the actions taken by this notice is available *only* by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this rule. Under section 307(b)(2) of the Clean Air Act, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by the EPA to enforce these requirements.

ADDRESS: *Background Information Document.* The background information document (BID) for the promulgated standards may be obtained from the U.S. EPA Library (MD–35), Research Triangle Park, North Carolina 27711, telephone number (919) 541–2777. Please refer to "Basic Oxygen Process Furnaces—Background Information for Promulgated Standards" (EPA–450/3–82–005b). The BID contains: (1) A summary of all the public comments made on the proposed amended standards along with responses to the comments, (2) a summary of the changes made to the standards since proposal, and (3) a final environmental impact statement (EIS) for the final standards.

Docket. Docket number A–79–6, containing information considered in development of the promulgated standards, is available for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section (LE–131), West Tower Lobby, Gallery 1, 401 M Street, S.W., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Doug Bell, Standards Development Branch, Emission Standards and Engineering Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541–5624.

SUPPLEMENTARY INFORMATION:

Background

The new source performance standards (NSPS's) for BOPF's were promulgated on March 8, 1974 (39 FR 9318). The standards of performance limited mass emissions of particulate matter from both open hood and closed hood primary emission control systems to no greater than 50 mg/dscm (0.022 gr/dscf). An opacity limit was promulgated on April 13, 1978, as a supplement to the mass standard (43 FR 15602). The opacity of exhaust gases from primary emission control devices was limited to less than 10 percent, except that an opacity greater than 10 percent but less than 20 percent could occur once per steel production cycle.

In 1979, the Natural Resources Defense Council, Inc.; Friends of the Earth, Inc.; and the Group Against Smog and Pollution petitioned the United States Court of Appeals for the District of Columbia for the regulation of fugitive or "secondary" emissions not captured by the BOPF primary control system. Almost simultaneously, the results of the 4-year review of Subpart N were announced, including the Agency's intention to revise Subpart N to regulate secondary emissions (44 FR 17460, March 21, 1979). Noting this action, the Court dismissed the suit and approved the anticipated schedule for proposing and promulgating secondary emission standards. Amendments to Subpart N were proposed on January 20, 1983.

The proposed amendments were contained in two Subparts of 40 CFR Part 60—Subparts Na and N. As proposed, Subpart Na applied exclusively to secondary emissions from BOPF's (including top-blown and bottom-blown furnaces) and hot metal transfer stations or skimming stations for which construction, modification, or reconstruction commenced after January 20, 1983. The proposed secondary standards limited visible emissions from the BOPF shop roof monitor (or other building openings) to an opacity no greater than 10 percent during the operation of a top-blown BOPF, except that an opacity greater than 10 percent but less than 20 percent was permitted once per steel production cycle. Visible emissions from bottom-blown furnaces were limited to an opacity no greater than 30 percent, except that an opacity greater than 30 percent but less than 60 percent was permitted twice per steel production cycle. The proposed standards required that compliance with the roof monitor visible emission standards be determined by Reference Method 9, based on a 3-minute average. Mass emissions from any device used solely to collect secondary emissions were limited to 23 mg/dscm (0.010 gr/dscf). An opacity limit of 5 percent for secondary emission collection devices was also proposed. Under the proposed standards, roof-mounted electrostatic precipitators (RMESP's) used to control secondary emissions were exempt from the mass standard and the opacity limit for secondary emission collection devices, as were any devices used to collect both primary and secondary emissions.

Subpart N contains standards of performance that regulate primary emissions of particulate matter from BOPF's constructed, reconstructed, or modified after June 11, 1973. On January 20, 1983, amendments also were proposed for Subpart N BOPF's constructed, reconstructed, or modified between June 11, 1973, and January 20, 1983. These proposed amendments did not revise the existing emission limit of 50 mg/dscm (0.022 gr/dscf) for mass emissions of particulate matter from the primary emission control device or the existing opacity limit for visible emissions exiting the primary emission control device. The existing standard limits visible emissions exiting the primary emission control device to an opacity of less than 10 percent, except that an opacity greater than 10 percent

but less than 20 percent may occur once per steel production cycle. Additionally, no changes were proposed to the existing monitoring or reporting requirements. The proposed amendments did revise the test method and procedure institutions for sampling of mass emissions by Reference Method 5. The existing standard required a sampling rate of at least 0.9 dscm/hr (0.53 dscf/min); the proposed amendments required a minimum sample volume of at least 0.9 dscm (32 dscf). Except for this sample volume requirement, no other changes to the existing procedures for determining compliance were proposed for these Subpart N BOPF's.

Also on January 20, 1983, amendments to Subpart N were proposed to regulate BOPF's constructed, reconstructed, or modified after January 20, 1983. These proposed standards adjusted the mass emission limits and the test methods and procedures for determining compliance. For BOPF's with a closed hood primary emission control system, the proposed amendments limited mass emissions of particulate matter to no more than 68 mg/dscm (0.030 gr/dscf), as measured for the primary oxygen blow. For BOPF's with an open hood primary emission control system, mass emissions of particulate matter were limited to no more than 50 mg/dscm (0.022 gr/dscf), as measured for the primary oxygen blow. Even though a shorter testing period was proposed, these mass emission limits were comparable to the existing standard.

Data presented in Table 4–12 of the BID suggest that a lower concentration limit for open hood furnaces may be possible. These data show performance levels better than performance measured during testing to support the existing NSPS limit of 50 mg/dscm (0.022 gr/dscf). Determination of the equipment design, operating criteria, and process variables responsible for producing lower emission concentrations from the open hood furnaces will be examined during the next 4-year NSPS review for consideration of a change in the concentration limit.

Primary emission control system performance data for one plant in Table 4–9 of the BID suggest that operation of venturi scrubbers at high pressure drops, approaching 90 inches of water, could achieve lower emission concentrations than those required by the existing or proposed rule (−60 inches). It is true that pressure drop is a major factor; however, other factors such as gas flow rate, throat design, and liquid-to-gas ratio will also affect outlet concentration. A further factor to be considered is that increased pressure drop requires differently sized equipment to apply more scrubbing energy. A cost comparison for one model system converted from 60-inch to 80-inch pressure drop showed incremental cost effectiveness of $60,000 per ton of additional particulate removed. On a cost-effectiveness basis, it appears that a reduction in required emission concentration based on higher scrubber pressure drop observed in one plant is inappropriate.

The proposed amendments to the test methods and procedures for sampling of mass emissions by Reference Method 5 specified that sampling for each run must continue for an integral number of primary oxygen blows with a total duration of at least 60 minutes. A minimum sample volume requirement of 0.9 dscm (32 dscf) also was proposed.

A proposed definition for "primary oxygen blow" also was added to § 60.141. The proposed definition defined "primary oxygen blow" as the period in the steel production cycle of a BOPF during which a high volume of oxygen-rich gas is introduced to the bath of molten iron by means of a lance inserted from the top of the vessel or through tuyeres in the bottom or the bottom and sides of the vessel. Reblows were excluded from the proposed definition, as was the introduction of nitrogen through tuyeres in the bottom or bottom and sides of the vessel.

No changes were proposed to the existing opacity standard for primary emission control devices. Under the existing standard, visible emissions from control devices for open or closed hood primary control systems were limited to no more than 10 percent opacity, except that an opacity greater than 10 percent but less than 20 percent could occur once per steel production cycle. No changes to the test methods and procedures for determining compliance with the opacity limit were proposed.

The Final Standards

The final secondary emission standards (Subpart Na) apply to any new, modified, or reconstructed top-blown BOPF and to any new, modified, or reconstructed hot metal transfer station or skimming station used with a bottom-blown or a top-blown BOPF, for which construction commences after January 20, 1983. Visible emissions from shop roof monitors (or other building openings) are limited to an opacity no greater than 10 percent during the steel production cycle of a top-blown BOPF, and during hot metal transfer and skimming for a bottom-blown BOPF except that an opacity greater than 10 percent but less than 20 percent may occur once per steel production cycle. Visible emissions from the shop roof monitor during the furnace cycle (i.e., the steel production cycle excluding hot metal transfer and skimming) of a bottom-blown BOPF are not subject to the roof monitor opacity standard. As proposed, Reference Method 9, with data reduction procedures for 3-minute averages, will be used to determine compliance with the secondary emission opacity standards.

The numerical emission limit reflects the performance of an open hood primary system used also for secondary emission control, in addition to local hooding for hot metal transfer and skimming emissions, which is considered best demonstrated technology (BDT) for the capture of secondary emissions from the affected facilities. Preliminary investigation indicates that this limit also could be met by using fume suppression systems to control hot metal transfer emissions, in addition to other controls on secondary emissions. Fume suppression appears to achieve emission reductions at costs significantly below those of the BDT on which the standards are based. The Administrator does not consider fume suppression systems to be adequately demonstrated to serve as the basis for the standards. However, the Administrator encourages sources to develop fume suppression systems that can meet the requirements of the standards. Section 111(j) of the Clean Air Act authorizes the Administrator to grant innovative technology waivers for such purposes.

To ensure the collection of secondary emissions from affected facilities, the final standards limit mass emissions from devices used solely for the collection of secondary emissions to 23 mg/dscm (0.01 gr/dscf). This numerical limit is based on the performance of a baghouse that is considered BDT for secondary emission collection. An opacity limit of 5 percent for the secondary emission collection device also is included to ensure proper operation and maintenance of the equipment. These emission limits also apply only to top-blown BOPF's and to hot metal transfer stations or skimming stations used with a bottom-blown or a top-blown BOPF.

Under the promulgated standards, fume suppression systems are exempt from the mass and opacity limits for secondary emission collection devices, as are devices used for the collection of primary and secondary emissions. EPA had proposed to exempt RMESP's from

the limits for a secondary control device, based on a judgment that an RMESP that met only the roof monitor opacity standard "would most likely be as good or better than BDT" (48 FR 2667, col. 3). EPA now believes that such a judgment is premature. In particular, such an RMESP might have a greater flow volume, and thus greater emissions, than BDT. EPA is therefore not promulgating any such exemption. However, RMESP's are acceptable as emission control devices if they meet both the mass and opacity standards. because testing of RMESP's may be impractical, the Agency will consider waiving the mass test provided that the RMESP meets the opacity standard and is found to be properly engineered and installed.

The monitoring requirements in the promulgated standards have been revised since proposal to require a device (or devices) for the continual monitoring and recording of exhaust ventilation rates, or levels of exhaust ventilation, for each duct of the secondary emission control system during each phase of each steel production cycle. The device (or devices) must be placed at a location (or locations) near each capture point of the secondary emission control system or in an alternative location (or locations) approved in advance by the Administrator. New provisions also have been added for the operation of a strip chart recorder, should this equipment be used as a recording mechanism.

A new provision also has been added to the final standards that requires the semiannual reporting of all measurements (as indicated by the monitoring device) over any 3-hour period that average more than 10 percent below the average levels maintained during the most recent compliance test for mass emissions from the secondary emission collection devices. The accuracy of the measurements may be considered when measurement results are reported. Also, when a scrubber primary emission control device is used to collect secondary emissions, the promulgated standards require the continual monitoring and recording of scrubber pressure drop during each phase of each furnace production cycle. Again, all measurements over any 3-hour period that average more than 10 percent below the average levels maintained during the most recent performance test must be reported semiannually.

Data currently are not available to establish a separate mass standard specifically for secondary emissions collected by a scrubber primary emission control device. Prior to the next 4-year review of Subparts N and Na, the Agency will collect and evaluate test data that may become available documenting the performance of primary emission control devices during secondary operations.

Section 60.144a, which specifies test methods and procedures, also has been revised since proposal. Instructions for aggregating visible emissions from multiple building openings [60.144a(b)(1)] have been deleted from the final rule. Sample volume requirements have been increased from the proposed level of 2.27 dscm (80 dscf) to a minimum of 5.67 dscm (200 dscf) for each run. A new provision has been added to the final rules that allows smaller sample volumes, subject to approval by the Administrator, when necessitated by process variables or other factors. Proposed instructions for determining compliance by Reference Method 2 for devices that monitor exhaust ventilation rates have been revised to require 12 pairs of readings for each duct of the secondary emission capture system. Comparable instructions for determining compliance by Reference Method 2 also have been added for devices that monitor the levels of exhaust ventilation and record only step changes when a set point is reached.

Compliance provisions of § 60.145a have been revised since proposal to allow an owner or operator of a BOPF shop that normally operates two furnaces with overlapping cycles to shut down one furnace during compliance testing for both mass and visible emission standards. A new provision has been added to § 60.145a that requires the owner or operator to operate the furnace being tested at exhaust ventilation rates or levels for each duct of the secondary emission control system that are appropriate for single-furnace operation. Following the compliance test, the owner or operator must operate the secondary emission control system at exhaust ventilation rates or levels (for each duct of the system) that are no lower than 90 percent of the values established during the most recent compliance test. As previously noted, all measurements (as indicated by the monitoring device) that average more than 10 percent below the average levels maintained during the most recent compliance test for mass emissions from the secondary emission collection device must be included in a semiannual report. Although the report would not be considered evidence of a violation of the emission limit, it could indicate possible improper operation or maintenance of the collection device.

In the final rule, the language of § 60.145a has been changed to require that visible emission observations for both hot metal transfer and skimming emissions begin with the startup of operation and terminate 3 minutes after completion of the operation. A new provision has been added that requires all visible emission observations to be identified and recorded in conjunction with the starting and stopping times of regulated operations in the steel production cycle. Instructions for determining compliance with the 5-percent opacity standard and the 0.010-gr/dscf mass standard for secondary emission collection devices also have been added to § 60.145a.

The visible emissions observation limit proposed for hot metal transfer and skimming was based on roof monitor opacity observations in a top-blown furnace shop, as is the final rule. Some difficulties were encountered in the data collection process for hot metal transfer and skimming sources. An overlapping equipment operating schedule caused emissions from more than one vessel to be mixed, resulting in higher opacities than would have been measured for a single vessel. As a result, the opacity standard for these sources may be higher than necessary. In our engineering judgment, however, this data collection difficulty does not impair the achievability of the standard because there are no significant process differences between hot metal transfer and skimming in bottom-blown furnace shops as opposed to top-blown furnace shops. Likewise, equipment used to perform these processes is not necessarily different in bottom-blown versus top-blown shops. As part of the 4-year NSPS review process, EPA will collect more data for hot metal transfer and skimming sources and will revise the standard if the new data indicate such a revision is appropriate.

Other clarifying changes to Subpart Na since proposal include several revisions to definitions. The definition of "hot metal transfer" has been changed to include all transfer operations, and the definition of "secondary emissions" has been revised to include specifically hot metal transfer and skimming emissions. Also included in this definition are particulate matter emissions that escape from openings in the primary emission control system, such as lance hole openings, or from gaps or tears in the ductwork of the primary emission control system or from leaks in hoods. In addition, the definition of "steel production cycle"

has been expanded to include preheating (when used) and vessel turnup, as well as turndown, during sampling operations. New definitions also have been added for "primary emissions," "primary emission control system," "secondary emission control system," and "fume suppression system." Finally, the definition of "startup" has been deleted because a definition is now included in the General Provisions for 40 CFR Part 60.

A number of changes have been made since proposal to the amendments to the existing standard for primary emissions. The title of the existing standard has been revised to read "Subpart N—Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973." The language and format of the existing standard also have been clarified to indicate clearly the applicability of requirements for BOPF's constructed, reconstructed, or modified after June 11, 1973, but on or before January 20, 1983, and for BOPF's constructed, reconstructed, or modified after January 20, 1983.

No changes to the existing mass and visible emission limits for the primary emission control device have been made since proposal for Subpart N BOPF's constructed, reconstructed, or modified after June 11, 1973, but on or before January 20, 1983. Except for an increased sample volume requirement, Subpart N BOPF's will continue to determine compliance with these limits as prescribed by the existing standards. However, the proposed minimum sample volume requirement of 0.9 dscm (32 dscf) specified in § 60.144(b)(1) for mass sampling by Reference Method 5 has been increased to a minimum of 1.5 dscm (53 dscf). It should be noted that the minimum sample volume of 9.9 dscm (32 dscf) proposed under subparagraph (b)(1) was the result of a Federal Register misprint; a minimum sample volume of 0.9 dscm (32 dscf) was intended.

Since proposal on January 20, 1983, EPA has become aware of a difference in furnace cycle time between top-blown and bottom-blown furnaces that may impact measured emission concentrations for those facilities regulated under Subpart N. In general, bottom-blown furnaces have shorter oxygen blowing periods than top-blown furnaces. The testing provisions for those BOPF's constructed, reconstructed, or modified after June 11, 1973, but on or before January 20, 1983, allow testing from the beginning of the oxygen blow, or scrap preheat if practiced, until just prior to tapping. The bulk of the particulate emissions occur during the oxygen blow, however. With a shorter oxygen blowing period and roughly the same length non-blowing period as top-blown furnaces, the bottom-blown furnaces are allowed a greater proportion of test time during non-blowing periods, thus tending to dilute the measured particulate concentration more than is allowed for top-blown furnaces. EPA will study whether different sampling times would better reflect BDT and intends to propose revise sample period requirements and mass standards, as may be appropriate for top-bottom and bottom-blown furnaces under Subpart N as part of the 4-year NSPS review cycle.

The final rules continue the monitoring requirements of the existing primary standards for Subpart N BOPF's with certain minor changes. Under § 60.143(b)[2], a monitoring device is required for the continuous measurement of the water supply pressure to the control equipment; the pressure sensor or tap for the device must be located close to the water discharge point. The existing standards then state that the Administrator may be consulted for approval of alternative locations for the pressure sensor or tap. Under the final rules, alternative locations for the pressure sensor or tap must be approved in advance by the Administrator. The word "continuous" also was changed to "continually" to avoid confusion with General Provision requirements relating to continuous monitoring systems, as defined in 40 CFR 60.2.

Additionally, § 60.143 was amended to reduce the frequency of reporting requirements from quarterly to semiannually. Under the final rules, each owner or operator must report semiannually any measurements (as indicated by the monitoring device) over any 3-hour period that average more than 10 percent below the average levels maintained during the most recent compliance test for mass emissions. The accuracy of these measurements may be considered when measurement results are reported. Although reporting of these measurements would not be considered evidence of noncompliance with the standards, the values reported may indicate a potential operation or maintenance problem with the device that necessitates a compliance inspection, particularly if a repeated pattern is reported.

A number of changes also were made to the definitions for terms applicable to Subpart N BOPF's. The final rules include a revised definition of "steel production cycle" for Subpart N BOPF's constructed, reconstructed, or modified after June 11, 1973, but on or before January 20, 1983. For these BOPF's, the current definition of "steel production cycle" has been expanded to include sampling (vessel turndown and turnup) operations. A new definition also was added for "primary emissions." "Primary emissions" means particulate matter emissions from the BOPF generated during the steel production cycle and captured by the primary emission control system. Also, the definition of "startup" was deleted from the final rule because a definition is now included in the General Provisions of 40 CFR Part 60. The proposed definition of "basic oxygen process furnace" has not been revised since proposal.

The final amendments to Subpart N for BOPF's constructed, reconstructed, or modified after January 20, 1983, continue the proposed requirements with few exceptions. No changes to the adjusted limits for mass emissions from open or closed hood primary control systems have been made since proposal. The final rules require that after January 20, 1983, particulate emissions from any new, modified, or reconstructed BOPF with an open hood primary system be limited to 50 mg/dscm (0.022 gr/dscf), as measured for the primary blow. For any BOPF constructed, modified, or reconstructed after January 20, 1983, particulate emissions from any BOPF for which closed hooding is the primary control method are limited to 68 mg/dscm (0.030 gr/dscf), as measured for the primary blow. Although the sampling period (i.e., the primary blow) is different than the existing standard, the level of control required by the revised standards is comparable to the level of control required under the existing standard. With the exception of an increased sample volume requirement, no changes to the Reference Method 5 test methods and procedures for determining compliance with the adjusted mass emission limits have been made since proposal. The proposed minimum sample volume requirement of 0.9 dscm (32 dscf) has been increased to a minimum of 1.5 dscm (53 dscf). As proposed, shorter sampling times and smaller sample volumes are permitted when necessitated by process variables or other factors, subject to approval by the Administrator.

A new operating requirement pertaining to the operation of the primary emission control system during reblows has been added since proposal. BOPF's required to meet a mass emission limit based on the primary

oxygen blow are required to operate the gas cleaning device during any reblow in a manner identical to operation during the primary oxygen blow. This requirement applies during compliance testing and during routine operation following any compliance test. This provision was added to ensure that mass emissions generated during a reblow are controlled at the same level as mass emissions occurring during the primary oxygen blow. Under typical operating conditions, no significant increase in electrical power consumption for the primary gas cleaning system would occur due to this requirement.

No changes have been made to the existing opacity standard for the primary control device. The existing standard limits visible emissions from control devices for open or closed hood primary control systems to no more than 10 percent opacity, except that an opacity greater than 10 percent but less than 20 percent may occur once per steel production cycle. Compliance with the opacity standard would be determined with the use of Reference Method 9, as prescribed under the existing standards.

The final amendments include changes in definitions of terms applicable to BOPF's constructed, reconstructed, or modified after January 20, 1983. Although the definition of "primary oxygen blow" has not been revised since proposal, the definition of "steel production cycle" has been expanded to include sampling operations (vessel turndown and turnup) and deslagging operations.

BOPF's constructed, reconstructed, or modified after January 20, 1983 also are subject to the amended monitoring and reporting requirements. As discussed previously, § 60.143 has been clarified to require advance approval by the Administrator for alternative locations for the monitoring device pressure sensor or tap. The final standards also reduce the frequency of reporting requirements from quarterly to semiannually.

Summary of Environmental, Energy, and Economic Impacts

The impacts of the secondary emission standards have not changed since proposal. Withdrawal of the roof monitor opacity standard for bottom-blown furnaces would not affect the nationwide environmental, energy, or economic impacts because the impacts of the standards are based on projections for increased capacity for existing top-blown furnaces. Minor revisions to the estimated environmental, energy, and economic impacts are included in Docket No. A-79-6 as item IV-B-7. These changes contain a revised discussion of the water pollution impacts of Regulatory Alternative III when wet or semiwet electrostatic precipitators (ESP's) are used in lieu of other primary control systems. These comments also indicate that the gas cooling and conditioning system used with an ESP must be designed as a total evaporation system because the steel industry effluent regulation (40 CFR Part 420, May 27, 1982) specifies no discharge from these systems. With these changes, the analysis of nationwide environmental, energy, and economic impacts in Volume I of the BID is now considered the final EIS for the promulgated standards.

Briefly, the standards would reduce secondary particulate emissions from BOPF facilities for which construction is expected to commence during the period 1981 through 1986 by about 2,527 tons per year, assuming the use of open hood control. If closed hood controls were used, secondary emissions would be reduced by about 2,718 tons per year. No adverse water, solid waste, or noise impacts would result from the implementation of the secondary emission standards, although the level of solid waste from BOPF facilities would increase by about 2 percent with open hood controls and by about 2.5 percent with closed hood controls, due to the control of secondary emissions.

The cumulative capital cost associated with the secondary emission standards through the first 5 years would be about $18.2 million, assuming the use of open hood controls. The annualized cost would be about $5.6 million per year. If closed hooding were used as a means of compliance, the capital costs through the first 5 years would be about $29.4 million, while annualized costs would be about $3.8 million per year. In each case, the price of finished steel would increase by about 0.2 percent by the end of the fifth year.

Further analysis of secondary emission control technologies indicates that the cost effectiveness of the control technologies that can be used to comply with the final standards ranges from $1,665 to $3,727 per ton of particulate matter removed for furnace emissions and from $1,755 to $3,100 per ton of particulate matter removed for hot metal transfer stations. In addition, new BOPF's may be able to employ lower cost, innovative hot metal transfer controls. However, the aggregated cost effectiveness of $2,245 per ton of particulate matter for secondary emission controls has not been revised since proposal.

Electrical energy requirements for BOPF control systems that commence construction during the period 1981 through 1986 would increase by about 60 percent, or 22.8 million kWh per year, assuming the use of open hood control.

Public Participation

During development of the proposed standards, trade associations, plant personnel, equipment manufacturers and vendors, environmental groups, and other interested parties supplied information and data for input on various aspects of the standards. The standards recommended for proposal were discussed at meetings of the National Air Pollution Control Techniques Advisory Committee (NAPCTAC) held December 2, 1980, and September 22-23, 1981. These meetings were open to the public and each attendee was given an opportunity to comment on the recommended standards. The standards were proposed January 20, 1983. A public hearing on the proposed standards was not held because it was not requested by commenters or other interested parties. The public comment period extended from January 20, 1983, to April 5, 1983. A total of five public comments were received. All written comments have been considered and, where appropriate, changes to the proposal have been incorporated in the final standards.

Significant Comments and Changes to the Proposed Amendments

Comments on the proposed amendments and revisions were received from four industry representatives and one individual with expertise in BOPF emission testing. A detailed discussion of these comments and responses can be found in the BID for the promulgated standards referenced in the ADDRESSES section of this preamble. The summary of comments and responses in the BID serves as the basis for the changes that have been made to the proposed standards. The major comments and responses are summarized in this preamble under the following headings: Reference Method 9 and the 3-Minute Average, Best Demonstrated Technology for Bottom-Blown Furnaces, Concentration Standard for Secondary Emission Collection Devices, Roof-Mounted Electrostatic Precipitators, and Fume Suppression Systems.

Reference Method 9 and the 3-Minute Average

The majority of the industry representatives' comments reflect their

concern regarding the use of a 3-minute data reduction procedure for analysis of visible emission data by Reference Method 9. The commenters noted that Method 9 requires that an opacity value consist of the average of 24 consecutive visible emission observations taken at 15-second intervals and that the proposed standards alter this requirement to produce an opacity value based on an average of 12 consecutive visible emission observations.

Two commenters contended that the public was not afforded sufficient opportunity to comment on the proposed changes. One commenter further asserted that the proposed changes are not supported by any analysis of the effects of the changes on the scientific reliability of Method 9. This commenter concluded that the changes constitute *ad hoc* rulemaking and noted that such procedures have been invalidated by *Donner Hanna Coke Corp. v. Costle*, 464 F. Supp. 1295 (W.D.N.Y. 1979). The commenter believes that "The 'Donner Hanna' Court decision clearly demonstrates that the test method used to evaluate compliance with a regulation is as important as the regulation itself. Merely specifying the test method is not enough when the accuracy and precision of the method are unknown in the prescribed application."

The commenters also indicated that the proposed 3-minute average contradicts previously articulated policy about how Method 9 should be used. In support of this, one commenter noted that "In previous instances, EPA has suggested that there is no known basis for altering the procedures and methodology established under Method 9. For example, on November 24, 1982, while reconsidering the Illinois State implementation plan (SIP), the Administrator stated:

> There is no means, using Method 9, to account for plumes less than 6 minutes in duration (noncontinuous). There is also no means, using the averaging techniques of Method 9, to account for exemption periods other than 6 minutes or for aggregation of any duration. (47 FR 5300, 5302).

The second commenter noted that "In the past, EPA has recognized that [Method 9] cannot be used for intermittent non-stack sources."

In responding to these comments, we first examined the question of whether the public has had opportunity to comment on the proposed changes. We conclude that both the general public and the steelmaking facilities with BOPF's have had ample opportunity to participate in and comment on the proposed changes. Prior to proposal, representatives of public interest groups and steel companies were provided several opportunities to comment on the 3-minute average. These opportunities are detailed in the response to comment 2.5.1 in the BID for the final standards. At proposal, the preamble to the regulations discussed testing and data reduction procedures used to establish the visible emission standards and the procedures that would be followed to determine compliance with the visible emission standards (48 FR 2662). Comments received on these procedures are being taken into account in these final standards.

In addition to the information provided to the public before proposal, an analysis of the effects of the proposed changes on the scientific reliability of Method 9 was included in the docket that accompanied the proposed rule (II–B–92). The information in this analysis demonstrated that the precision and accuracy of the proposed changes to the Method 9 data reduction procedure for visible emission observations of BOPF's are equivalent to the precision and accuracy in the current Method. (This analysis is discussed in detail in the BID.) Moreover, no new data or information on the visible emission standards that contradicts the findings of our analysis was included with the public comments. Therefore, the public has been provided sufficient opportunity to comment on the proposed performance testing and data analysis procedures.

We note that in citing the Illinois SIP reconsideration, the commenter suggested that statements about the use of Method 9, in its current form, should limit how the Method might be modified. This suggestion is, however, without merit. Rather, the validity of modifications to standards and test methods (and the relationship between these) set forth in 40 CFR Part 60 must be evaluated and must be supported on their own merits.

As to the question of whether Reference Method 9 can be used for intermittent nonstack sources, it should be noted that since its promulgation December 23, 1971 (36 FR 24895), Method 9 has been amended to observe visible emissions from both control device exhaust stacks and nonstack sources (39 FR 39872, November 12, 1974). (See, for example, subparts AA and BB.) Indeed, the Method, at paragraph 2.1, specifically includes procedures to be used in determining visible emissions from nonstack sources such as roof monitors. Often, both control devices and nonstack sources such as roof monitors intermittently emit plumes of varying opacity; i.e., visible emissions vary with process or control device operation and are observed only during part of the time the emission source is operating. Also, emissions are observed only when they exceed the visibility threshold level of about 2 percent opacity. Reference Method 9 can be applied accurately to both categories of emission points by following the procedures of paragraph 2.1 and by recording visible emission observations of zero percent opacity when no visible emissions are evident.

The passage from Method 9 cited by the Court in *Donner Hanna* does not state that Method 9 is inappropriate for characterizing visible emissions from all points of intermittent emissions:

> EPA recognizes that certain types of opacity violations that are intermittent in nature require a different approach in applying the opacity standards. . . . (39 FR 39873)

The passage cited by the Court indicates that Method 9 (with the 6-minute averaging technique) may not characterize the performance of capture or control technologies adequately in certain cases. This can be illustrated by the hypothetical example of a source that exhibits zero opacity for 23 out of 24 readings and 25 percent on the 24th reading. On a 6-minute average basis, the opacity would be calculated as 1 percent. On a 15-second basis, opacity would simply be 23 periods of zero and 1 period of 25 percent. It is obvious that this latter method of presenting the data is much more descriptive of the emission characteristics in this case than is the 6-minute 1-percent opacity average. In the broader context, this hypothetical example illustrates how shorter averaging periods more accurately reflect the character of short-duration plumes. (It also shows how general opacity standards that are commonly used in SIP's do not account for plumes of short duration.) For this reason, a shorter averaging time and a higher numerical visible emission standard were proposed for BOPF's. A 6-minute averaging period could have been selected to analyze BOPF visible emission data. If this option had been selected and implemented, the numerical level of the standard would have been about one-half the numerical level proposed in conjunction with a 3-minute averaging period. However, BOPF secondary emissions are typically of short duration, and a 3-minute averaging period more closely characterizes the performance of the capture systems used to control the emissions than a 6-minute averaging period.

Finally, it is agreed that the test method used to determine compliance

with a standard is very important in establishing the stringency or effect of a standard. For that reason, the basis for the standard, including not only the data base but also both the test method used to develop the data base and the test method used for compliance, must be considered in establishing a standard.

In conclusion, it is noteworthy that this proposed rulemaking does not affect Method 9 data reduction procedures or application of Method 9 to all sources regulated in 40 CFR Part 60. Rather, it only establishes procedures for BOPF's that commence construction, modification, or reconstruction after January 20, 1983. Use of a 3-minute average was proposed in paragraph 2.5, "Test Methods and Procedures" in Subpart Na, rather than as amendments to Reference Method 9. This was done because 3-minute average opacity values are considered appropriate for and are intended to be applicable only for BOPF shop emissions. In this way, Method 9 as it applies to other sources is not affected by this rulemaking. This approach is consistent with the intended use of the test methods in Appendix A (40 CFR Part 60). The intent is detailed in the introduction to Appendix A, which states, in part:

> Within each standard of performance, a section titled 'Test Methods and Procedures' is provided to (1) identify the test methods applicable to the facility subject to the respective standard and (2) identify any special instructions or conditions to be followed when applying a method to the respective facility. Such instructions . . . are to be used either in addition to, or as a substitute for, procedures in a reference method.

Therefore, it is appropriate to alter—after analysis and public comment—the data reduction procedures for BOPF visible emission observations within the provisions of Subpart Na.

Several commenters also questioned the scientific reliability of the proposed 3-minute averages for Reference Method 9 opacity computations of visible emissions from BOPF's. The commenters contended that the modified averaging procedure will produce average opacity values that are less accurate and more subject to error than the 6-minute opacity values. The commenters stated that the proposed secondary standards require the improper use of Reference Method 9 for observing roof monitor visible emissions because the method was originally promulgated for observation of stacks, with specified data reduction procedures for 6-minute averages. The commenters stated that quantitative conclusions regarding the accuracy of the method were valid only for emissions from stacks. One commenter also maintained that modifications to Method 9 should be evaluated thoroughly to determine the accuracy and precision of any deviations and recommended that Method 9, unmodified, be used for the proposed regulation or that the proposed roof monitor opacity standards be deleted until an appropriate method is developed.

We share the commenters' concerns that knowledge of the precision and accuracy of a test method—and consideration of these factors for the public record—is important in developing and enforcing standards. Prior to responding to these concerns, it is appropriate to review the general procedure followed to establish a standard of performance and to understand the role of the test method to establish and determine compliance with the standard. Typically, a standard is expressd as a numerical emission limit that quantitifies the performance of BDT for emission control. A data base is gathered to establish an emission limit that is achievable for the emission source being regulated. The data base is obtained with either an existing or new test method that has been devised for the pollutant and source being regulated. If the method used to develop the data base differs from the method that would be used to determine compliance, the mathematical relationship between these methods must be known. In either case, the test method is proposed and promulgated according to the procedures outlined in section 307(d) of the Clean Air Act as amended is found either in Appendix A or in the subparts of 40 CFR Part 60. In the proposed and final standards, the accuracy and precision of the test method are documented and considered carefully.

When the visible emission standards were developed for BOPF's, a large number of visible emission observations were gathered according to the procedures of Reference Method 9. These data, which consist of more than 100 hours of observations, indicate that plumes from the roof monitors of BOPF shops are of short duration and that the performance of BDT for controlling these emissions is best characterized with an average opacity value based on a shorter, 3-minute averaging period instead of the 6-minute averaging period specified in the data reduction procedures contained in paragraph 2.5 of the reference method.

Therefore, a visible emission standard was proposed that would be based on the BOPF visible emission data base and on average opacity values calculated from 12 consecutive 15-second visible emission observations recorded by following the procedures of Reference Method 9. The proposed and final performance test procedures are also based on observing and recording visible emissions with Reference Method 9 and on calculating a 3-minute opacity average from the visible emission data.

Before 3-minute rather than 6-minute averages were proposed, the question of whether 3-minute averages are less accurate or precise than 6-minute averages was addressed. (Note that the accuracy and precision of 6-minute averages have been established and are not an issue here.) This involved analyzing and comparing the frequency of occurrence of differences between Method 9 observations (observer mean) and mean values calculated from transmissometer readings (instrument mean) for both 3- and 6-minute averaging periods. This analysis, which was included in the docket prior to proposal (II–B–92), is based on a July 1976 report that also was included in the docket prior to proposal (II–A–22). The results of this analysis are summarized in Table 2–3 of the BID for the final standards.

The results are reported as the percentage of the total number of measurements that fall within a particular range of observer error. For example, 36.5 percent of the total number of 3-minute averages calculated for the smoke generator black smoke had an observer error of between 0 and 5 percent opacity. Note that only positive errors are reported in the table. Examination of this table reveals that the distribution of errors for 3-minute averaging is about the same as for 6-minute averaging (e.g., for generator black smoke, 36.5 percent of the caluclated 3-minute averages had an observer error of 0 to 5 percent opacity as compared to 35.3 percent of the calculated 6-minute averages). Thus, the average opacities calculated on a 3-minute basis are no more subject to error than the average opacities calculated on a 6-minute basis.

With regard to the applicability of Method 9 to plumes from both stacks and roof monitors, a review of opacity theory demonstrates that quantitative conclusions about the accuracy and precision are equally valid for each. The major factors influencing plume opacity are: particle characteristics (particle size distribution and refractive index), particulate concentration, the background against which the emissions are viewed, the observer's position relative to the sun, and the light path length through the emission plume. Particle characteristics and particulate

concentration are determined by the process operation and the emission control technology. In the steel industry, plumes are released at elevated points such as stacks and roof monitors. As a result, the background for reading the opacity of visible emissions is the same for both types of sources, generally consisting of sky, horizon, or other structures. Thus, the ability to read opacity of visible emissions from roof monitors compared to the ability to read visible emissions from stacks is not influenced by background.

While the geometry of stacks and roof monitors does differ, Reference Method 9 explicitly accounts for opacity readings from roof monitors. Stacks are generally circular, and, as a result, the path length through the plume is essentially the same in all directions. Roof monitors tend to be rectangular with a long and short dimension. The light path length through the plume is different depending on whether the observer sights along the long dimension or the short dimension. When the opacity of visible emissions from roof monitors is read, paragraph 2.1 of Reference Method 9 specifically requires that observations be taken approximately perpendicular to the long dimension of the roof monitor (i.e., across the short dimension of the plume), which ensures that observed opacity is minimized. When the visible emission standards for BOPF's were developed, visible emission observations were taken from existing furnace shops with typical roof monitor designs. We have no data or other information that indicates that future roof monitor designs would be modified to cause plume path length, and thus observed opacity, to increase. Thus, the effect of path length on opacity was taken into account during development of the standards, and paragraph 2.1 of Reference Method 9 ensures that compliance with the standards is determined by reading plumes across the shorter path length.

The position of the visible emission observer with respect to the sun and the plume does affect perceived opacity due to the light-scattering effects of plumes. However, this light-scattering interference is nullified as the observer is positioned with his back to the sun as described in paragraph 2.1 of the Reference Method. This paragraph provides explicit instructions that position the observer with respect to both stacks and rectangular openings such as roof monitors. Thus, the effect of position on opacity is taken into account during development of visible emission standards.

The ability to read the opacity of visible emissions, therefore, does not depend on whether these emissions are released from stacks or roof monitors. Reference Method 9 is as applicable to plumes from roof monitors as it is to plumes from stacks.

After proposal of Subpart Na, statistical analyses of visible emission observations recently taken from roof monitors and stacks were performed to validate this conclusion further. These analyses are summarized in a memorandum entitled "Opacity Error for Different Averaging Times" (IV–B–6), which reports the results of statistical analyses of visible emissions from fugitive emission sources. The fugitive emission data were obtained mostly from iron and steel sources with BOPF shops and roof monitors being major contributors to the data base.

One statistical analysis examined the precision of observations of the opacity of a fugitive emission plume made simultaneously by two visible emission observers. For average opacity values calculated with a 6-minute averaging period, the standard deviation was 2.1 percent opacity with 93 percent of the runs having a difference between observer readings less than or equal to 7.5 percent opacity. For average opacity values calculated with a 3-minute averaging period, the standard deviation was essentially the same—2.4 percent opacity with 92 percent of the runs having a difference between observer readings less than or equal to 7.5 percent opacity. This analysis of visible emission observations of fugitive emissions therefore supports the conclusion that between-observer precision is the same for average opacity values calculated with 3- and 6-minute averaging periods.

As shown in Table 2–4 of the BID for the final standards, the stack standard devations range from 4.3 to 9.8 percent for 3- and 6-minute averages compared to the 2.1 percent and 2.4 percent reported above for the fugitive sources. Thus, it is conlcuded that the variability between observers in reading opacity from roof monitors is similar to that between observers reading opacity from stacks.

In summary, the 3-minute average was selected because it better characterizes the brief duration of BOPF visible emissions. We conclude that the public was afforded a sufficient opportunity to comment. We also conclude that Reference Method 9 is valid and scientifically reliable for application to BOPF shop roof monitors. In addition, the scientific reliability of the 3-minute average, as compared to the 6-minute average, was considered and analyzed for public review prior to proposal of the standards. Further analysis confirms that no significant difference exists between the accuracy and precision of 3-minute averages and the accuracy and precision of 6-minute averages. Consequently, no changes were made in the final rules regarding the use of a 3-minute data reduction procedure for determining compliance with visible emission standards by Reference Method 9.

Best Demonstrated Technology for Bottom-Blown Furnaces

One commenter criticized the selection of the proposed roof monitor opacity limit for bottom-blown furnaces in that the level of the proposed standards does not reflect BDT. In support of his contention, the commenter pointed to the failure of the system to achieve 90 percent capture on a consistent basis during the emission testing program due to mechanical problems (e.g., bell damper failures). The commenter also alleged that the secondary emission control system was poorly designed and maintained. As an alternative to selecting the Republic system as BDT for controlling secondary emissions from bottom-blown furnaces, the commenter recommended that a new regulatory alternative be considered for bottom-blown furnace control. The suggested alternative would consist of a furnace enclosure with hot metal addition and tapping hoods exhausted to a collection device capable of handling 600,000 acfm or the gas volumes handled by the control systems for top-blown furnaces, as demonstrated at the Bethlehem and J&L plants.

The opacity limit proposed for bottom-blown vessels was consistent with data for bottom-blown furnaces that were available at proposal. The effect of the commenter's recommendations would be to establish an emission limit at a level that has not been observed in practice for bottom-blown furnaces. it is agreed that the performance of controls on other sources, such as top-blown furnaces, suggests that better performance should be achievable for bottom-blown furnaces and raises doubt as to whether the proposed limits reflect the performance of BDT. The commenter also correctly implied that caputre and control of emissions from these vessels has not been demonstrated at a level consistent with top-blown vessels. A more stringent limit based on transfer of technology was not considered warranted in the case of bottom-blown vessels because of the wide range of conditions over which the vessels

operate and the correspondingly wide range of emissions from the vessels. Based on this comment and further review, it has been determined that better control will likely become available before the next 4-year review of the primary and secondary standards and that the proposed standards, if promulgated, would probably not reflect BDT. In particular, it should be noted that revised State regulations applicable to existing bottom-blown BOPF's that have been adopted pursuant to the requirements of 40 CFR Part 52 are much more stringent than the proposed standards. Because of these findings, the proposed roof-monitor opacity limit for bottom-blown vessels is being withdrawn from the final rules.

The requirement for limiting the opacity of visible emissions produced by hot metal transfer and skimming in bottom-blown furnace shops, however, is being retained. There are no significant process differences between hot metal transfer and skimming in bottom-blown furnace shops as opposed to top-blown furnace shops. Likewise, equipment used to perform these processes are not necessarily different in bottom-blown versus top-blown shops. Therefore, it is EPA's judgment that there is no significant difference in emission potential, either controlled or uncontrolled. For the above reasons, the roof monitor opacity limit for hot metal transfer and skimming in top-blown furnace shops is extended to apply to hot metal transfer and skimming in bottom-blown furnace shops. The provisions of Subpart Na, § 60.145a, allow the owner or operator of an affected facility to suspend shop operations not subject to Subpart Na during compliance testing. These provisions provide a means of avoiding interference from bottom-blown furnace emissions when compliance testing of hot metal transfer and skimming operations is conducted. By similar reasoning, the proposed concentration and opacity standards for secondary emission collection devices in bottom-blown furnace shops also are retained.

Withdrawal of the roof monitor opacity standard does require the development and consideration of a revised Regulatory Alternative II, the alternative selected as the basis of the proposed standards. With the deletion of the bottom-blown furnace roof monitor opacity standard, Regulatory Alternative II consists of BDT capture and collection controls for secondary emissions from top-blown furnaces, in addition to BDT capture and collection controls for hot metal transfer stations and skimming stations used with bottom-blown or top-blown furnaces. Withdrawal of the roof monitor opacity standards for bottom-blown furnaces would not affect the environmental, energy, or economic impacts estimated for the proposed standards. No impact would result because industry growth forecasts for the period 1981 through 1985 (upon which the impacts were based) project only the expansion of existing top-blown furnace capacity. Consequently, Regulatory Alternative II remains the alternative selected as the basis of the promulgated standards.

Concentration Standard for Secondary Emission Collection Device

One commenter criticized the level of the proposed mass emission limit of 23 mg/dscm (0.010 gr/dscf) for secondary emission collection devices, asserting that the standard did not reflect the performance level achievable for baghouses, which is BDT for this application. The commenter argued that a properly designed, operated, and maintained baghouse controlling emissions from hot metal transfer, skimming, and other operations can achieve an outlet emission rate of 0.005 gr/dscf.

The numerical emission limit of 0.010 gr/dscf proposed for secondary emission collection devices is based on the data available at the time of proposal. The data base for the emission limit, as proposed, includes data from hot metal transfer, partial building evacuation for BOPF's, and full-cycle data for electric arc furnaces (EAF's). Other operations that generate secondary BOPF emissions are not included in the data base. While the commenter correctly stated that certain operations can be controlled to achieve an emission rate of 0.005 gr/dscf, control of all pertinent operations has not been demonstrated adequately for BOPF's at that level.

The data supporting the proposed standard do not support a lower limit. It is agreed that new data, coupled with the transfer of technology from EAF's, might support the lower limit recommended by the commenter. However, without the benefit of public comment and because it is not clear whether other data reflect technology different from the data on which the 0.010-gr/dscf limit is based, the final rules do not revise the standard for secondary emission collection devices. Revision of the standard to reflect the higher performance level will be considered during the next 4-year review of Subparts N and Na.

Roof-Mounted Electrostatic Precipitators

One commenter questioned the conclusion that performance of RMESP's may be equivalent to or better than BDT for secondary emission collection when no data were available to assess RMESP performance. The commenter also questioned why a Japanese RMESP was not evaluated to support the proposed standard. This commenter pointed out that a baghouse can handle secondary emissions containing hard-to-precipitate kish particles and significant amounts of fine particulate emitted in large bursts more efficiently than can an RMESP. Although the commenter supported the proposed RMESP waiver for innovative technology, he suggested that the conclusion that the RMESP may be equivalent to (or better than) BDT at a lower cost should be verified.

Section 111(j) of the Clean Air Act provides that an owner or operator of an affected facility may request a waiver from one or more requirements of the standards to encourage the use of the innovative control system. For an owner or operator to obtain a waiver, there must be findings that the technology has not been demonstrated adequately and that it has either a substantial likelihood of achieving greater emission reduction than required by the NSPS or of achieving equivalent emission reduction at lower cost (including energy and nonair environmental costs). Once a waiver has been issued, its terms must include: (1) Assurance that the source emissions will not prevent attainment and maintenance of national ambient air quality standards (NAAQS's); (2) assurance that the technology will function properly; (3) a time limit for testing the technology not to exceed 7 years from issuance or 4 years from startup, or until the technology proves unworkable; and (4) a restriction to that portion of the source on which the technology is used.

The commenter is correct in noting that no data were available to quantify the performance, costs, and other impacts associated with the use of RMESP's. However, as indicated in the proposed rulemaking, there were qualitative indications that RMESP's could be at least as efficient as, and more cost effective than, capture hoods ducted to a particulate collection device, which is the technololgy on which the numerical standard is based. Some of this qualitative information was obtained from RMESP's in Japan. Unfortunately, the Japanese companies using the RMESP's would not permit the quantitative evaluation of their control technologies.

EPA had proposed to exempt RMESP's from the limits for a secondary control device, based on a judgment that an RMESP that met only the roof monitor opacity standard "would most likely be as good or better than BDT" (48 FR 2667, col. 3). EPA now believes that such a judgment is premature. In particular, such as RMESP might have a greater flow volume, and thus greater emissions, than BDT. EPA is therefore not promulgating any such exemption.

EPA recognizes that it may be difficult to test compliance with the mass emission limit in § 60.142a(a)(1) (23 mg/dscm) using Method 5 as prescribed by § 60.144a(a)(4), when an RMESP is used. If such cases arise, source owners or operators may be able to demonstrate to EPA's satisfaction by other means that the source is in compliance with the standard, under 40 CFR 60.8(a)(4). Means of demonstrating compliance might include opacity observations, observations of plume volume, limited mass test data, engineering evaluation of control system effectiveness, or some combination thereof.

Under the terms of any waiver granted, provisions would be included to ensure that any RMESP installed to comply with the NSPS would be designed and operated properly. Data collected during the term of the waiver would be used to verify RMESP performance and costs. Should the performance and costs be demonstrated as equivalent to or better than BDT, the inclusion of provisions specific to RMESP's may be considered during the next 4-year review of Subpart Na.

Fume Suppression Systems

Two commenters pointed out that, while the proposed standards do not require the use of a specific technology to meet the proposed emission limits, a steel producer could experience difficulties in permit approval if the producer desired to implement a technology not examined or discussed in the preamble or BID for the proposed or promulgated rule. In this regard, both commenters pointed to fume suppression, a relatively new technology, which could provide the potential for eliminating or reducing the need for particulate capture techniques. One commenter stated that the cost to implement and operate this technology can be substantially less than for other control alternatives, with fume suppression providing an equivalent performance. Accordingly, the commenters recommended that this technology be examined as a viable alternative control technique.

Data regarding fume suppression were not available when Volume I of the BID was being prepared. Since proposal, however, new information and data have been obtained to document the performance and cost of this system. These data indicate the fume suppression systems may provide performance equivalent to that of other control alternatives at a lower cost.

Suppression techniques reduce iron oxide fuming above molten metal or slag baths by inhibiting oxidation of the iron at the surface of the bath. Oxidation is inhibited by blanketing the bath surface with flame, steam, wet sand, or wet slag. To date, these techniques have been applied experimentally to: (1) Blast furnace iron tapping, (2) blast furnace slag tapping, (3) open hearth tapping, (4) electric furnace tapping, (5) hot metal transfer, (6) BOPF charging, (7) BOPF tapping, and (8) BOPF lance hole emissions.

Detailed test data to quantify the performance of suppression techniques on facilities regulated by 40 CFR Part 60, Subpart N or Na, are not yet available. However, preliminary data quantifying the performance of flame suppression (a type of fume suppression) on a BOPF hot metal transfer station at U.S. Steel's Gary plant indicate that opacity is reduced significantly with the use of flame suppression. These data are provided in Table 2–2 of the BID for the final standards. Thus, it appears that flame suppression is capable of achieving emission reduction at least equal to requirements of the proposed regulation during hot metal transfer.

Moreover, because fume suppression eliminates the need for hot metal transfer capture and collection devices, emission reductions may be achieved at costs significantly below those of the BDT on which the standards are based. The cost effectiveness (dollars per ton of particulate matter removed) of the fume suppression technique applied to secondary emissions from hot metal transfer operations is estimated at $633/ton. This can be compared to a cost effectiveness of $3,100/ton for a baghouse collecting only hot metal transfer emissions. Based on consideration of the preliminary performance data and costs of fume suppression, an owner or operator may choose to install this system to control hot metal transfer emissions. The standards of performance for hot metal transfer stations are expressed as numerical emission limits and do not preclude the use of any control technology, so long as it can achieve compliance with the numerical limit.

Additionally, an innovative technology waiver may be granted to an owner or operator desiring to install a fume suppression system. Under the terms of an innovative technology waiver, the owner or operator would be granted an extended time period to meet the roof monitor visible emission standards. Because fume suppression systems eliminate the need for additional collection equipment, they are exempt from the mass and opacity standards for secondary emission collection devices. Provisions would be included in any waiver to ensure that a fume suppression system installed to meet the NSPS would be disigned and operated properly. Data collected during the term of the waiver would be used to document the performance and costs of fume suppression for particulate emissions control. Should the performance and costs be equivalent to or better than BDT, the inclusion of provisions specific to fume suppresion systems would be considered during the next 4-year review of Supart Na.

The final standards also contain a definition for fume suppression systems. A fume suppression system is defined as "the equipment comprising any system used to inhibit the generation of emissions from steelmaking facilities by means of an inert gas, flame, or steam blanket applied to the surface of molten iron or steel."

Information Requirement Impacts

The final standards for primary and secondary emissions (Subparts N and Na) require no reports in addition to those required under the General Provisions of 40 CFR Part 60. The General Provisions contain notification requirements, which enable the Agency to keep abreast of facilities subject to the standards; contain requirements for the conduct and reporting of initial performance tests; and require reports of excess emissions. Analysis of these reporting requirements indicates they are both necessary and reasonable, considering the savings in time and resources required for effective enforcement. In the absence of these reporting requirements, effective enforcement of the regulation would require frequent individual inspections and tests.

The Paperwork Reduction Act (PRA) of 1980 (Pub. L. 96–511) requires clearance from the Office of Management and Budget (OMB) of certain public reporting and recordkeeping requirements before promulgation of this rulemaking. Information collection requirements associated with this regulation (those included in 40 CFR Part 60, Subpart A, Subpart N, and Subpart Na) have been approved by OMB under the provisions of the PRA of 1980, 44 U.S.C. 3501 *et seq.*

and have been assigned OMB control number 2060–0029.

Regulatory Flexibility Analysis

The Regulatory Flexibility Act of 1980 requires the identification of potentially adverse impacts of Federal regulations upon small business entities. The Act specifically requires the completion of a regulatory flexibility analysis in those instances where small business impacts are possible. Determination of the need to perform a regulatory flexibility analysis is based upon the consideration of three factors: (1) The maximum size of a small business; (2) the number of small businesses affected; and (3) the expected economic impacts. These standards are not subject to the Regulatory Flexibility Act of 1980 because no small businesses will be affected. No impacts on small governments or small organizations are anticipated because they also will not be affected. This determination is discussed in the preamble and BID for the proposed standards.

Docket

The docket is an organized and complete file of all the information considered in the development of this rulemaking. The docket is a dynamic file because material is added throughout the rulemaking development. The docket system is intended to allow members of the public and industries involved in the rulemaking to identify and locate documents readily so they can participate effectively in the rulemaking process. Along with the statement of basis and purpose of the proposed and promulgated standards and responses to significant comments, the contents of the docket will serve as the record in case of judicial review, except for interagency review materials [section 307(d)(7)(A)].

Miscellaneous

The effective date of this regulation is January 2, 1986. Section 111 of the Clean Air Act provides that standards of performance or revisions thereof become effective upon promulgation and apply to affected facilities, construction or modification of which was commenced after the date of proposal.

The promulgation of these standards was preceded by a review of the standards of performance for BOPF's (40 CFR Part 60, Subpart N), which was completed in 1979 (44 FR 17460, March 21, 1979). The review of the primary standard resulted in the conclusion that secondary emissions from BOPF's represent a major air pollution source. Clarifying revisions to the primary standard were also recommended. In addition, publication of these promulgated standards was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies, in accordance with section 117.

This regulation will be reviewed 4 years from the date of promulgation as required by the Clean Air Act. This review will include an assessment of such factors as the need for integration with other programs, the existence of alternative methods, enforceability, improvements in emission control technology, and reporting requirements.

Section 317 of the Clean Air Act requires the Administrator to prepare an economic impact assessment of "revisions (of new source performance standards) which the Administrator determines to be substantial . . ." [section 317(a)]. An economic analysis of the standard was prepared for the proposed rulemaking. ["Standards Support and Environmental Impact Statement, Volume I: Proposed Standards of Performance for Basic Oxygen Process Furnances" (EPA–450/3–82–005a)]. The nationwide economic impacts and the aggregated cost effectivenes of the secondary emission control standards have not been revised since proposal.

Under Executive Order 12291, a regulation considered "major" is subject to the requirement of a Regulatory Impact Analysis. This regulation is not "major" because: (1) The national annualized compliance costs, including capital charges resulting from the standards, total less than $100 million; (2) the amended standards do not cause a major increase in prices or production costs; and (3) the standards do not cause significant adverse effects on domestic competition, employment, investment, productivity, innovation, or competition in foreign markets.

This regulation was submitted to OMB for review as required by Executive Order 12291. Any comments from OMB and any response to those comments are included in Docket A–79–6. The docket is available for public inspection at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, SW., Washington, DC 20460.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the proposed rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 60

Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Incorporation by reference, Basic oxygen process furnaces.

Dated: December 22, 1985.

Lee M. Thomas,

Administrator

PART 60—[AMENDED]

40 CFR Part 60 is amended as follows:

1. The authority citation for 40 CFR Part 60 continues to read as follows:

Authority: Secs. 101, 111, 114, 116, 301, Clean Air Act as amended (42 U.S.C. 7401, 7411, 7414, 7416, 7601).

2. The title of 40 CFR Part 60, Subpart N, is revised to read as follows:

Subpart N—Standards of Performance for Primary Emissions from Basic Oxygen Process Furnances for Which Construction is Commenced After June 11, 1973

3. In § 60.141, paragraph (a) is revised, existing paragraphs (b) and (c) are deleted, and new paragraphs (b), (c) and (d) are added to read as follows:

§ 60.141 Definitions.

* * * * *

(a) "Basic oxygen process furnace" (BOPF) means any furnace with a refractory lining in which molten steel is produced by charging scrap metal, molten iron, and flux materials or alloy additions into a vessel and introducing a high volume of oxygen-rich gas. Open hearth, blast, and reverberatory furnaces are not included in this definition.

(b) "Primary emissions" means particulate matter emissions from the BOPF generated during the steel production cycle and captured by the BOPF primary control system.

(c) "Primary oxygen blow" means the period in the steel production cycle of a BOPF during which a high volume of oxygen-rich gas is introduced to the bath of molten iron by means of a lance inserted from the top of the vessel or through tuyeres in the bottom or through the bottom and sides of the vessel. This definition does not include any additional or secondary oxygen blows made after the primary blow or the introduction of nitrogen or other inert gas through tuyeres in the bottom or bottom and sides of the vessel.

(d) "Steel production cycle" means the operations conducted within the BOPF steelmaking facility that are required to produce each batch of steel and includes the following operations: scrap charging, preheating (when used), hot metal charging, primary oxygen blowing, sampling (vessel turndown and turnup), additional oxygen blowing (when used),

tapping, and deslagging. This definition applies to an affected facility constructed, modified, or reconstructed after January 20, 1983. For an affected facility constructed, modified, or reconstructed after June 11, 1973, but on or before January 20, 1983, "steel production cycle" means the operations conducted within the BOPF steelmaking facility that are required to produce each batch of steel and includes the following operations: scrap charging, preheating (when used), hot metal charging, primary oxygen blowing, sampling (vessel turndown and turnup), additional oxygen blowing (when used), and tapping.

4. In § 60.142, the introductory text of paragraph (a) is revised and paragraphs (b) and (c) are added to read as follows:

§ 60.142 Standard for particulate matter.

(a) Except as provided under paragraph (b) of this section, on and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall discharge or cause the discharge into the atmosphere from any affected facility any gases which:

(1) * * *

(2) * * *

(b) For affected facilities constructed, modified, or reconstructed after January 20, 1983, the following limits shall apply:

(1) On or after the date on which the performance test under § 60.8 is required to be completed, no owner or operator of an affected facility for which open hooding is the method for controlling primary emissions shall cause to be discharged to the atmosphere any gases that:

(i) Contain particulate matter in excess of 50 mg/dscm (0.022 gr/dscf), as measured for the primary oxygen blow.

(ii) Exit from a control device not used solely for the collection of secondary emissions, as defined in § 60.141a, and exhibit 10 percent opacity or greater, except that an opacity greater than 10 percent but less than 20 percent may occur once per steel production cycle.

(2) On or after the date on which the performance test required by § 60.8 is completed, no owner or operator of an affected facility for which closed hooding is the method for controlling primary emissions shall cause to be discharged into the atmosphere any gases that:

(i) Contain particulate matter in excess of 68 mg/dscm (0.030 gr/dscf), as measured for the primary oxygen blow.

(ii) Exit from a control device not used solely for the collection of secondary emissions, as defined in § 60.141a, and exhibit 10 percent opacity or greater, except that an opacity greater than 10 percent but less than 20 percent may occur once per steel production cycle.

(c) On and after the date on which the performance test required by § 60.8 is completed, each owner or operator of an affected facility subject to paragraph (b) of this section shall operate the primary gas cleaning system during any reblow in a manner identical to operation during the primary oxygen blow.

5. In § 60.143, paragraphs (b)(2) and (c) are revised to read as follows:

§ 60.143 Monitoring of operations.

(b) * * *

(1) * * *

(2) A monitoring device for the continual measurement of the water supply pressure to the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within ±5 percent of the design water supply pressure. The monitoring device's pressure sensor or pressure tap must be located close to the water discharge point. The Administrator must be consulted for approval in advance of selecting alternative locations for the pressure sensor or tap.

* * * * *

(c) Any owner or operator subject to the requirements of paragraph (b) of this section shall report to the Administrator, on a semiannual basis, all measurements over any 3-hour period that average more than 10 percent below the average levels maintained during the most recent performance test conducted under § 60.8 in which the affected facility demonstrated compliance with the mass standards under § 60.142(a)(1), (b)(1)(A) or (b)(2)(A). The accuracy of the respective measurements, not to exceed the values specified in paragraphs (b)(1) and (b)(2) of this section, may be taken into consideration when determining the measurement results that must be reported.

6. In § 60.144, paragraph (b) is revised to read as follows:

§ 60.144 Test methods and procedures.

* * * * *

(b) For Method 5, the sampling time shall be as follows:

(1) For affected facilities that commenced construction, modification, or reconstruction on or before January 20, 1983, the sampling for each run shall continue for an integral number of steel production cycles with total duration of at least 60 minutes. A cycle shall start at the beginning of either the scrap preheat or the oxygen blow and shall terminate immediately prior to tapping. The minimum sample volume shall be at least 1.5 dscm (53 dscf). Shorter sampling times and smaller sample volumes, when necessitated by process variables or other factors, may be approved by the Administrator.

(2) For affected facilities that commence construction, modification, or reconstruction after January 20, 1983, the sampling for each run shall continue for an integral number of primary oxygen blows, with total duration of at least 60 minutes. The minimum sample volume shall be at least 1.5 dscm (53 dscf). Shorter sampling times and smaller sample volumes, when necessitated by process variables or other factors, may be approved by the Administrator.

* * * * *

7. Sections 60.143 and 60.144 are amended to include the following statement at the end of each section:

(Approved by the Office of Management and Budget under control number 2060–0029)

8. By adding a new Subpart Na as follows:

Subpart Na—Standards of Performance for Secondary Emissions From Basic Oxygen Process Steelmaking Facilities for Which Construction Is Commenced After January 20, 1983

Sec.

60.140a Applicability and designation of affected facilities.
60.141a Definitions.
60.142a Standards for particulate matter.
60.143a Monitoring of operations.
60.144a Test methods and procedures.
60.145a Compliance provisions.

Subpart Na—Standards of Performance for Secondary Emissions From Basic oxygen Process Steelmaking Facilities for Which Construction Is Commenced After January 20, 1983

§ 60.140a Applicability and designation of affected facilities.

(a) The provisions of this subpart apply to the following affected facilities in an iron and steel plant: top-blown BOPF's and hot metal transfer stations and skimming stations used with bottom-blown or top-blown BOPF's.

(b) This subpart applies to any facility identified in paragraph (a) of this section that commences construction, modification, or reconstruction after January 20, 1983.

(c) Any BOPF subject to the provisions of this subpart is subject to those provisions of Subpart N of this Part applicable to affected facilities commencing construction, modification or reconstruction after January 20, 1983.

§ 60.141a Definitions.

All terms in this subpart not defined below are given the same meaning as in the Clean Air Act as amended or in Subpart A of this part.

"Basic Oxygen process furnace" (BOPF) means any furnace with a refractory lining in which molten steel is produced by charging scrap metal, molten iron, and flux materials or alloy additions into a vessel and by introducing a high volume of oxygen-rich gas. Open hearth, blast, and reverberatory furnaces are not included in this definition.

"Bottom-blown furnace" means any BOPF in which oxygen and other combustion gases are introduced to the bath of molten iron through tuyeres in the bottom of the vessel or through tuyeres in the bottom and sides of the vessel.

"Fume suppression system" means the equipment comprising any system used to inhibit the generation of emissions from steelmaking facilities with an inert gas, flame, or steam blanket applied to the surface of molten iron or steel.

"Hot metal transfer station" means the facility where molten iron is emptied from the railroad torpedo car or hot metal car to the shop ladle. This includes the transfer of molten iron from the torpedo car or hot metal car to a mixer (or other intermediate vessel) and from a mixer (or other intermediate vessel) to the ladle. This facility is also known as the reladling station or ladle transfer station.

"Primary oxygen blow" means the period in the steel production cycle of a BOPF during which a high volume of oxygen-rich gas is introduced to the bath of molten iron by means of a lance inserted from the top of the vessel. This definition does not include any additional, or secondary, oxygen blows made after the primary blow.

"Primary emission control system" means the combination of equipment used for the capture and collection of primary emissions (e.g., an open hood capture system used in conjunction with a particulate matter cleaning device such as an electrostatic precipitator or a closed hood capture system used in conjunction with a particulate matter cleaning device such as a scrubber).

"Primary emissions" means particulate matter emissions from the BOPF generated during the steel production cycle which are captured by, and do not thereafter escape from, the BOPF primary control system.

"Secondary emission control system" means the combination of equipment used for the capture and collection of secondary emissions (e.g., (1) an open hood system for the capture and collection of primary and secondary emissions from the BOPF, with local hooding ducted to a secondary emission collection device such as a baghouse for the capture and collection of emissions from the hot metal transfer and skimming station; or (2) an open hood system for the capture and collection of primary and secondary emissions from the furnace, plus a furnace enclosure with local hooding ducted to a secondary emission collection device, such as a baghouse, for additional capture and collection of secondary emissions from the furnace, with local hooding ducted to a secondary emission collection device, such as a baghouse, for the capture and collection of emissions from hot metal transfer and skimming station; or (3) a furnace enclosure with local hooding ducted to a secondary emission collection device such as a baghouse for the capture and collection of secondary emissions from a BOPF controlled by a closed hood primary emission control system, with local hooding ducted to a secondary emission collection device, such as a baghouse, for the capture and collection of emissions from hot metal transfer and skimming stations).

"Secondary emissions" means particulate matter emissions that are not captured by the BOPF primary control system, including emissions from hot metal transfer and skimming stations. This definition also includes particulate matter emissions that escape from openings in the primary emission control system, such as from lance hole openings, gaps or tears in the ductwork of the primary emission control system, or leaks in hoods.

"Skimming station" means the facility where slag is mechanically raked from the top of the bath of molten iron.

"Steel production cycle" means the operations conducted within the BOPF steelmaking facility that are required to produce each batch of steel, including the following operations: scrap charging, preheating (when used), hot metal charging, primary oxygen blowing, sampling (vessel turndown and turnup), additional oxygen blowing (when used), tapping, and deslagging. Hot metal transfer and skimming operations for the next steel production cycle are also included when the hot metal transfer station or skimming station is an affected facility.

"Top-blown furnace" means any BOPF in which oxygen is introduced to the bath of molten iron by means of an oxygen lance inserted from the top of the vessel.

§ 60.142a Standards for particulate matter.

(a) Except as provided under paragraphs (b) and (c) of this section, on and after the date on which the performance test under § 60.8 is required to be completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility any secondary emissions that:

(1) Exit from the BOPF shop roof monitor (or other building openings) and exhibit greater than 10 percent opacity during the steel production cycle of any top-blown BOPF or during hot metal transfer or skimming operations for any bottom-blown BOPF; except that an opacity greater than 10 percent but less than 20 percent may occur once per steel production cycle.

(2) Exit from a control device used solely for the collection of secondary emissions from a top-blown BOPF or from hot metal transfer or skimming for a top-blown or a bottom-blown BOPF and contain particulate matter in excess of 23 mg/dscm (0.010 gr/dscf).

(3) Exit from a control device used solely for the collecton of secondary emissions from a top-blown BOPF or from hot metal transfer or skimming for a top-blown or a bottom-blown BOPF and exhibit more than 5 percent opacity.

(b) A fume suppression system used to control secondary emissions from an affected facility is not subject to paragraphs (a)(2) and (a)(3) of this section.

(c) A control device used to collect both primary and secondary emissions from a BOPF is not subject to paragraphs (a)(2) and (a)(3) of this section.

§ 60.143a Monitoring of operations.

(a) Each owner or operator of an affected facility shall install, calibrate, operate, and maintain a monitoring device that continually measures and records for each steel production cycle the various rates or levels of exhaust ventilation at each phase of the cycle through each duct of the secondary emission capture system. The monitoring device or devices are to be placed at locations near each capture point of the secondary emission capture system to monitor the exhaust ventilation rates or levels adequately, or in alternative locations approved in advance by the Administrator.

(b) If a chart recorder is used, the owner or operator shall use chart recorders that are operated at a minimum chart speed of 3.8 cm/hr (1.5 in./hr).

(c) All monitoring devices are to be certified by the manufacturer to be

accurate to within ±10 percent compared to EPA Reference Method 2. The owner or operator shall recalibrate and check the device(s) annually and at other times as the Administrator may require, in accordance with the written instructions of the manufacturer and by comparing the device against EPA Reference Method 2.

(d) Each owner or operator subject to the requirements of paragraph (a) of this section shall report on a semiannual basis all measurements of exhaust ventilation rates or levels over any 3-hour period that average more than 10 percent below the average rates or levels of exhaust ventilation maintained during the most recent performance test conducted under § 60.8 in which the affected facility demonstrated compliance with the standard under § 60.142a (a)(2). The accuracy of the respective measurements, not to exceed the values specified in paragraph (c) of this section, may be considered when determining the measurement results that must be reported.

(e) If a scrubber primary emission control device is used to collect secondary emissions, the owner or operator shall report on a semiannual basis all measurements of exhaust ventilation rate over any 3-hour period that average more than 10 percent below the average levels maintained during the most recent performance test conducted under § 60.8 in which the affected facility demonstrated compliance with the standard under § 60.142(a)(1).

(Approved by the Office of Management and Budget under control number 2060–0029)

§ 60.144a Test methods and procedures.

(a) The reference methods in Appendix A of this part, except as provided under § 60.8(b) and as noted below, shall be used to determine compliance with § 60.142a as follows:

(1) Method 1 for sample and velocity traverses;

(2) Method 2 for volumetric flow rate;

(3) Method 3 for gas analysis;

(4) Method 5 for concentration of particulate matter and associated moisture content; and

(5) Method 9 for visible emissions except as provided in paragraph (b) of this section.

(b) For Method 9, the following instructions for recording observations and reducing data shall apply instead of Sections 2.4 and 2.5 of Method 9:

(1) Section 2.4. Opacity observations shall be recorded to the nearest 5 percent at 15-second intervals. During the initial performance test conducted pursuant to § 60.8, observations shall be made and recorded in this manner for a minimum of three steel production cycles. During any subsequent compliance test, observations may be made for any number of steel production cycles, although, where conditions permit, observations will generally be made for a minimum of three steel production cycles.

(2) Section 2.5. Opacity shall be determined as an average of 12 consecutive observations recorded at 15-second intervals. For each steel production cycle, divide the observations recorded into sets of 12 consecutive observations. Sets need not be consecutive in time, and in no case shall two sets overlap. For each set of 12 observations, calculate the average by summing the opacity of 12 consecutive observations and dividing this sum by 12.

(c) For the sampling of secondary emissions by Method 5, the sampling for each run is to continue for a sufficient number of steel production cycles to ensure a total sample volume of at least 5.67 dscm (200 dscf) for each run. Shorter sampling times and smaller sample volumes, when necessitated by process variables or other factors, may be approved by the Administrator. Sampling is to be conducted only during the steel production cycle.

(d) For the monitoring and recording of exhaust ventilation rates or levels required by § 60.143a(a), the following instructions for Reference Method 2 shall apply:

(1) For devices that monitor and record the exhaust ventilation rate, compare velocity readings recorded by the monitoring device against the velocity readings obtained by Method 2. Take Method 2 readings at a point or points that would properly characterize the monitoring device's performance and that would adequately reflect the various rates of exhaust ventilation. Obtain readings at sufficient intervals to obtain 12 pairs of readings for each duct of the secondary emission capture system. Compare the averages of the two sets to determine whether the monitoring device velocity is within ±10 percent of the Method 2 average.

(2) For devices that monitor the level of exhaust ventilation and record only step changes when a set point rate is reached, compare step changes recorded by the monitoring device against the velocity readings obtained by Method 2. Take Method 2 readings at a point or points that would properly characterize the performance of the monitoring device and that would adequately reflect the various rates of exhaust ventilation. Obtain readings at sufficient intervals to obtain 12 pairs of readings for each duct of the secondary emission capture system. Compare the averages of the two sets to determine whether the monitoring device step change is within ±10 percent of the setpoint rate.

(Approved by the Office of Management and Budget under control number 2060–0029)

§ 60.145a Compliance provisions.

(a) When determining compliance with mass and visible emission limits specified in § 60.142a(a)(2) and § 60.142a(a)(3), the owner or operator of a BOPF shop that normally operates two furnaces with overlapping cycles may elect to operate only one furnace. If an owner or operator chooses to shut down one furnace, he shall be allowed a reasonable time period to adjust his production schedule before the compliance tests are conducted. The owner or operator of an affected facility may also elect to suspend shop operations not subject to this subpart during compliance testing.

(b) During compliance testing for mass and visible emission standards, if an owner or operator elects to shut down one furnace in a shop that normally operates two furnaces with overlapping cycles, the owner or operator shall operate the secondary emission control system for the furnace being tested at exhaust ventilation rates or levels for each duct of the secondary emission control system that are appropriate for single-furnace operatin. Following the compliance test, the owner or operator shall operate the secondary emission control system at exhaust ventilation rates or levels for each duct of the system that are no lower than 90 percent of the exhaust ventilation values established during the most recent compliance test.

(c) For the purpose of determining compliance with visible and mass emission standards, a steel production cycle begins when the scrap or hot metal is charged to the vessel (whichever operation occurs first) and terminates 3 minutes after slag is emptied from the vessel into the slag pot. Consecutive steel production cycles are not required for the purpose of determining compliance. Where a hot metal transfer or skimming station is an affected facility, the steel production cycle also includes the hot metal transfer or skimming operation for the next steel production cycle for the affected vessel. Visible emission observations for both hot metal transfer and skimming operations begin with the start of the operation and terminate 3 minutes after completion of the operation.

(d) For the purpose of determining compliance with visible emission standards specified in § 60.142a(a)(1) and (a)(3), the starting and stopping

times of regulated process operations shall be determined and the starting and stopping times of visible emissions data sets shall be determined accordingly.

(e) To determine compliance with § 60.142a(a)(1), select the data sets yielding the highest and second highest 3-minute average opacities for each steel production cycle. Compliance is achieved if the highest 3-minute average for each cycle observed is less than 20 percent and the second highest 3-minute average is 10 percent or less.

(f) To determine compliance with § 60.142(a)(2), determine the concentration of particulate matter in exhaust gases exiting the secondary emission collection device with Reference Method 5. Compliance is achieved if the concentration of particulate matter does not exceed 23 mg/dscm (0.010 gr/dscf).

(g) To determine compliance with § 60.142a(a)(3), construct consecutive 3-minute averages for each steel production cycle. Compliance is achieved if no 3-minute average is more than 5 percent.

[FR Doc. 85–30892 Filed 12–31–85; 8:45 am]
BILLING CODE 6560–50–M

federal register

Thursday
January 2, 1986

Part III

Department of Health and Human Services

Office of Human Development Services

Administration for Children, Youth and Families; Runaway and Homeless Youth Program; Availability of Financial Assistance; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

[Program Announcement No. 13623-861]

Administration for Children, Youth and Families; Runaway and Homeless Youth Program; Availability of Financial Assistance

AGENCY: Administration for Children, Youth and Families (ACYF), Office of Human Development Services (OHDS), Department of Health and Human Services (DHHS).

ACTION: Announcement of availability of financial assistance: National communications system for crisis hotline services (one grant).

SUMMARY: The Administration for Children, Youth and Families (ACYF), Family and Youth Services Bureau (FYSB) announces the availability of Fiscal Year 1986 funds for the National Communications System for crisis hotline services.

This program announcement consists of two parts. Part I covers the scope of this announcement and generally describes the following: The goals and objectives of the Runaway and Homeless Youth Program; the purpose and objectives of the National Communications System; a description of the present grant; and the type of grant to be awarded during FY 1986.

Part II describes the application process, as well as the review criteria and provides detailed guidance on how to prepare and submit an application.

FOR FURTHER INFORMATION CONTACT: Ms. Pamela A. Johnson, ACYF/Family and Youth Services Bureau, Division of Program Operations, P.O. Box 1182, Washington, DC 20013, Telephone: (202) 755-2987 or 755-7800.

DATE: The closing date for receipt of all applications under this announcement is: February 18, 1986. Applications may be mailed or hand delivered to: Grants Management Office, HDS Grants and Contracts Management Division, 200 Independence Ave. SW., Room 345-F.1, Humphrey Bldg., Washington, DC 20201, Attention: Mary White, FYSB-861.

SUPPLEMENTARY INFORMATION:

Part I—General Considerations

A. Scope of This Program Announcement

This program announcement solicits applications and describes the application process for the National Communications System (NCS) grant or cooperative agreement to be competitively awarded during the third quarter of Fiscal Year 1986. This grant is authorized by section 311(a) of the Runaway and Homeless Youth Act, 42 U.S.C. 5701 *et seq.* This Act was enacted as Title III of the Juvenile Justice and Delinquency Prevention Act of 1974 (Pub. L. 93-415), as amended by the Juvenile Justice Amendments of 1977 (Pub. L. 95-115), the Juvenile Justice Amendments of 1980 (Pub. L. 96-509), and the Juvenile Justice Amendments of 1984 (Pub. L. 98-473). See 42 U.S.C. 5701 *et seq.* One grant or cooperative agreement will be awarded to the successful applicant for a five-year project period. Continuation support for each subsequent year of the grant or cooperative agreement is contingent upon satisfactory performance during the previous year of the project period (based on Section D, Part II) and the availability of Federal funds. Competition for grant awards in other ACYF program areas will be announced at a later date in the **Federal Register.**

B. Background Information

The National Communications System (NCS) was initiated through a Department of Health, Education and Welfare (HEW) Office of Youth Development research and demonstration grant in 1974. The project was originally funded as an eight-month demonstration grant for the purpose of providing toll-free WATS service to runaway youth in the contiguous United States. Since then it has been supported by funding under the authority of section 311(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5711(a)) and is currently administered by the Family and Youth Services Bureau within the Administration for Children, Youth and Families (ACYF) of the Office of Human Development Services, Department of Health and Human Services. Presently, the services of the NCS are being provided by a grant to Metro-Help, Incorporated of Chicago, Illinois with a paid staff of ten and 200 trained volunteers.

C. Program Purpose

The National Communications System is one of the program components funded under the Runaway and Homeless Youth Act (RHYA). The Runaway and Homeless Youth Act provides financial assistance to establish or strengthen community-based centers designed to address the immediate needs (e.g., outreach, temporary shelter, counseling, family counseling and aftercare services) of runaway or otherwise homeless youth and their families. As a part of this national effort, the National Communications System is designed to: (1) Provide a neutral and available channel of communication in the United States (including Alaska and Hawaii) between runaway and homeless youth and their families; (2) refer runaway and homeless youth to agencies and/or resources in the community in which the youth is located for needed services or assistance; and (3) provide crisis counseling to youth who call the service seeking help with a specific problem.

This communications system is a confidential telephone information, referral and crisis intervention service available to runaway and homeless youth and their families. The system is required to operate 24 hours a day and 365 days a year and must be staffed by trained individuals. It must also have the technical capacity to handle at least 250,000 calls per year. The system is also required to have the capability to be a technical resource to assist other youth-serving agencies in delivering more effective services by allowing communication among service providers about specific cases which would ensure continuity in service provision, aid in processing requests for parental consent and facilitate discussions around mutual program and client concerns.

The overall function of the communications system is to link youth with a resource that provides the services needed. An effective communications system must be able to fulfill this function in five ways. They are:

(1) Providing a neutral and available channel of communication through which runaway and homeless youth may leave messages for and/or re-establish contact with their parents or guardians;

(2) Providing families/guardians with a service by which they may leave messages for runaways, and receive advice and referrals to agencies which might assist them;

(3) Identifying agency resources available to runaway and other homeless youth in the area where the runaway is located;

(4) Identifying home-community resources for those young people who are contemplating running away, but contact the communications system before they run; and

(5) Providing callers (runaway and homeless youth and those contemplating running away) with crisis intervention counseling, when appropriate, to address problems and/or issues raised during the initial telephone contact. (Crisis intervention counseling is defined as the process of entering into the life situation(s) of individuals,

families or groups to alleviate the impact of a crisis inducing conflict.)

In addition to the statutory provision, the primary reasons for the development of the communications system are: (a) The interstate nature of the runaway and homeless youth problem and (b) the increased vulnerability of youth to various forms of exploitation when they are away from home and/or in unfamiliar environments without shelter or other needed assistance.

D. Program Goals and Objectives

The goals of the National Runaway and Homeless Youth Program are: (1) To alleviate the problems of runaway or otherwise homeless youth, (2) to reunite youth with their families and to encourage the resolution of intrafamily problems through counseling and other services, (3) to strengthen family relationships and to encourage stable living conditions for youth, and (4) to help youth decide upon a future course of action.

The National Communications System funded under this program is required to address these goals on a nation-wide basis by implementing the following activities:

(1) Providing, on a 24-hour basis, 365 days a year, a neutral channel of communication for runaway and homeless youth to enable them to establish contact with their families and/or to receive needed services.

(2) Providing referral and resource services to these youth and their families to assist in resolving the immediate crisis. These services would include crisis intervention and suicide prevention counseling and information referrals.

(3) Providing telephone access to agencies to facilitate case referrals among youth-serving agencies for the benefit of runaway and homeless youth and their families.

(4) Serving as a national clearinghouse for the general public on resource and referral information regarding the location of services for runaway and homeless youth and their families during the crisis period.

(5) Providing the equipment and technical expertise required for the arrangement of conference calls and counseling services among runaway programs, youth and parents or legal guardians.

(6) Publicizing the existence and availability of services to runaway and homeless youth throughout the United States.

(7) Establishing formal program and resource linkages with existing centers for runaway or otherwise homeless youth and other appropriate agencies (e.g., social services, juvenile justice agencies, and emergency care shelters) for the development and maintenance of a directory of referral sources.

(8) Collecting and maintaining statistical data detailing the numbers and socio-economic characteristics of the youth served, the types of problems experienced, the services provided, and the referrals made.

(9) Submitting quarterly progress reports which provide a programmatic and statistical account of the National Communications System's activities and achievements in meeting its stated goals and objectives.

(10) Coordinating services and information with other youth hotlines, whether they are Federally-funded or independent.

E. Eligible Applicants

States, localities and private entities (for profit and non-profit) and coordinated networks of such entities are eligible to apply as long as they are not part of the law enforcement structure or the juvenile justice system. States are defined to include any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territories of the Pacific Islands, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. (See 42 U.S.C. 5603(7) as amended by Section (5) of Pub. L. 96–509.) Federally recognized Indian tribes are eligible to apply for grants as local units of government. Non-Federally recognized Indian tribes and Indian organizations are eligible to apply for grants as private entities.

F. Available Funds

The Administration for Children, Youth and Families expects to award one competitive grant or cooperative agreement not to exceed $350,000 for the operation of the National Communications System in Fiscal Year 1986. Any organization previously funded must compete with all other applicants for funding.

The National Communications System project will be approved for a project period of five years with renewed funding on an annual basis. However, continued support for subsequent years will depend upon the availability of funds, the grantee's satisfactory performance and the decision that continued funding is in the best interest of the government.

G. Grantee Share of the Project

According to section 318(a) of the Act (42 U.S.C. 5716(a)), a ten percent match of the total project cost (line 13f of SF Form 424) is required of the grant or cooperative agreement funded under this announcement. For example, a total project cost (Federal plus non-Federal) of $350,000 must include at least a $35,000 non-Federal share. The non-Federal portion may be cash, in-kind contributions or grantee incurred costs (including the facility, equipment or services) and must be project-related and allowable under the cost principles as provided in 45 CFR Part 74, the Department of Health and Human Services' regulation on the administration of grants. For-profit applicants especially are reminded of the prohibition against profits in the use of grant funds (45 CFR 74–705).

H. Populations To Be Served

The recipient funded under this announcement shall help serve the immediate needs of runaway or otherwise homeless youth under the age of 18 and their families. All services must be provided in accordance with 45 CFR Parts 80, 81 and 84 pertaining to non-discrimination under programs receiving Federal assistance.

Part II—Application Process

A. Application Review

Eligible organizations wishing to compete for this grant or cooperative agreement must submit a completed application by (45 calendar days from the date of publication).

Applications received in response to this announcement will be reviewed competitively against the evaluation criteria specified in Section II–D and evaluated by Federal officials and qualified persons outside the Federal government. The results of the review will assist the Commissioner of the Administration for Children, Youth and Families in considering the competing applications. Comments from HHS regional and Headquarters program staff offices may be taken into account.

The Commissioner of the Administration for Children, Youth and Families (ACYF) will determine the action to be taken on each application. The Commissioner may elect not to fund any applicant that has known management, fiscal or other problem situations which may make it unlikely that it would be able to provide effective services to runaway and homeless youth and their families.

Agencies and organizations interested in applying for funds may receive application information from ACYF/Family and Youth Services Bureau, Division of Program Operations, P.O. Box 1182, Washington, D.C. 20013—

Attention: ACYF–FYSB–861. Telephone: (202) 755–2987 or 755–7800.

B. Application Requirements

In order to be considered for the National Communications System grant or cooperative agreement, an application must be submitted on the forms and in the manner required by the Administration for Children, Youth and Families. The application must be executed by an individual authorized to act for the applicant agency and to assume responsibility for the obligations imposed by the terms and conditions of the grant award. Applications must be prepared in accordance with the guidance provided in this announcement. All of the information needed and the forms required to submit a complete application under this program are contained in this announcement under Appendices A and B.

C. Notification Under Executive Order 12372

This program is covered under Executive Order (E.O.) 12372, "Intergovernmental Review of Federal Programs," and 45 CFR Part 100, "Intergovernmental Review of Department of Health and Human Services Programs and Activities." Comments from SPOC's or directly affected State, area-wide, regional and local officials and entities are due to HDS no later than (INSERT- 105 days from the date of publication). A Single Point of Contact (SPOC) to fulfill the requirements to E.O. 12372 has been established in all States and territories except Alaska, Idaho and American Samoa (applicants from these three areas need take no action regarding E.O. 12372). Applicants must submit required material to their SPOC so that ACYF can obtain comments from the SPOCs as part of the award process. (Applications for programs to be administered directly by Federally recognized Indian tribes are exempt from the requirements of E.O. 12372.) Appplicants should contact their SPOC as soon as possible to alert them of the prospective application and receive specific instructions regarding the process (see addresses at Appendix C). Required material should be sent to the SPOC as early as possible. SPOCs will submit their comments directly to: Mary White, HDS/Division of Grants and Contracts Management, 200 Independence Avenue, SW., Room 345–F, Washington, DC 20201—Attention: ACYF-FYSB- 861. Applicants should indicate on the SF 424, item 22a, their actions regarding this process. HDS will notify the State of any application received which has no indication that the SPOC State Process has had an opportunity for review.

D. Review Criteria

All competitive applications for financial assistance to support the operation of the National Communications System will be reviewed and evaluated against the following criteria:

1. The extent to which the applicant had documented a thorough working knowledge of the nature and extent of the runaway and homeless youth problem, the resources available to serve runaway and homeless youth, the problems inherent in serving this population, and the capability of the applicant to maintain or develop appropriate working relationships with existing runaway and homeless youth programs and other youth-serving agencies for the purpose of making referrals to these programs and agencies on a national basis—(15 points).

2. The extent to which the applicant has documented that it has adequate existing equipment and technology available to achieve the program objectives and handle at least 250,000 calls per year as detailed in Part I, Sections C and D of this announcement; and the extent to which the applicant organization can demonstate a satisfactory relationship with the company(ies) that will provide the hardware (telephone and computer) services—(20 points).

3. The extent to which the applicant has demonstrated prior experience in planning, organizing and providing information, referral and crisis hotline services to runaway and homeless youth and their families—(20 points).

4. The capability of the applicant to provide adequate facilities and a level of staffing (including a cadre or trained volunteers) appropriate for the implementation and maintenance of a 365 days a year, 24 hours a day national comunications system; and the capability to recruit and train volunteer telephone counselors—(20 points).

5. The reasonableness of the proposed budget, including a justification for costs; and the extent to which the applicant has access to other resources, including funding from private sources, which broaden the base of support for the National Communications System or the applicant's proposed activities—(15 points).

6. The capability of the applicant to provide the granting agency with quarterly progress reports detailing information on the number and types of telephone contacts, the characteristics of the clients served and other related programmatic activities—(10 points).

E. Instructions for Completing the Application

1. Application Requirements. In order to be considered under this announcement, an applicant must submit one signed original and two copies of the application, including all attachments. ACYF encourages the submission of an additional five copies for a total of one original and seven copies in order to expedite the processing and to facilitate the review process. There is no penalty for not submitting the additional copies. The original of the application must have original signatures on all required documents. Each copy should be stapled (back and front) in the upper left corner. Completed applications, including the original and all other copies, must be sent to: Mary White, HDS/Division of Grants and Contracts Management, 200 Independence Avenue, SW., Room 345–F, Washington, DC 20201—Attention: ACYF–FYSB–861.

Applicants using a word processor should use a letter-quality printer if at all possible.

2. Content of Application. Each copy of the application must contain the following items in the order listed:

a. Standard Form 424, page 1.

b. Project Abstract Form.

c. Part II—Project Approval Information.

d. Part III—Budget Information.

e. Part IV—Project Narrative.

f. HHS—SF 441, Assurance of Compliance with Title VI of the Civil Rights Act of 1964.

g. HHS—SF 641, Assurance of Compliance with Section 504 of the Rehabilitation Act of 1973, as amended.

h. Application certification, profit making organizations.

3. Instructions for Preparing Applications. The forms and instructions for applying for Federal assistance from HDS programs have been reprinted as Appendices A and B to this announcement. We suggest that applicants reproduce the forms and use them to prepare their application.

Applications should be prepared in accordance with the following instructions:

a. Standard Form 424, page 1 (follow instructions contained in Appendix B).

b. Project Abstract Form (see appendix A).

c. Part II—Project Approval Information. This form is self-explanatory.

d. Part III—Budget Information. (Complete Part III in accordance with the instructions contained in Appendix B).

e. Table of Contents. Provide a table of contents for the Part IV narrative, including a listing of any appendices.

f. Part IV—Project Narrative. Describe the project you propose in response to this announcement. Your narrative should provide information on how the application responds to the legislative requirements and review criteria set forth in this announcement (Part II, Section D). Please limit your narrative to 27 pages [single spaced] plus attachments.

The numbers in parentheses at the end of each section indicate the review criteria to which each section of the Part IV narrative relates.

1. Objectives and Need for This Assistance (maximum of four pages, single spaced). Provide a concise and thorough description documenting your knowledge of the nature and extent of the runaway and homeless youth problem, the resources available to serve runaway and homeless youth, and the problems inherent in serving this population through a national communications system.

This description should: (a) include national data on the incidence of runaway and homeless youth and an analysis of the existing information, referral and counseling services for runaway and homeless youth on a national basis; and (b) describe the relationship between the needs identified and the program of services planned or offered by the applicant agency, including the capability of the applicant to maintain or develop working relationships with existing runaway and homeless youth programs and agencies for the purpose of making referrals. (Criterion 1.)

2. Results or Benefits Expected (maximum of 2 pages, single spaced). This section should identify the results and benefits to be derived from the implementation of services to runaway and homeless youth and their families as proposed in the application. Specifically, the applicant should describe the results or benefits anticipated in terms of callers served and the community-at-large (for example, youth referred to resources in their communities or the reunification of youth with their families). In addition, explain the process to be used to evaluate the results or success of the project and to determine if the results and benefits identified are being achieved. (Criteria 1, 2, 5.)

3. Approach (maximum of 15 pages, single spaced, excluding timetables, charts, and supporting documentation or listings).

a. This section of the program narrative should describe the specific plan of action and program of services that would be provided under the proposed project and conceptualize the issues to be addressed relative to serving runaway and homeless youth and their families. Specifically, the program narrative should at a minimum, address the following areas:

(i) The services the project provides or would provide to runaway, homeless or other vulnerable youth, their families, and social service agencies; and how they are or would be provided, including at a minimum: national outreach/public education; initial telephone contact information gathering (intake); re-establishing contact with parents or legal guardians; identifying service resources available to runaway and homeless youth and/or their families in the areas where the youth and/or families are located; conference calls to connect runaway and homeless youth service providers with clients' families or other services; and assistance for callers who contact the project prior to a runaway episode.

(ii) A description of how the applicant has established or will establish and maintain 24-hour, 7 days a week adequate phone coverage by trained personnel. A timetable should be provided which reflects programmatic start-up activities culminating in the communications system being fully operational within 30 days of the grant award.

(iii) The organizational relationship between the local services currently provided (i.e., information services, crisis lines) and the proposed project grant, if the program is presently providing locally based services.

(iv) A description of the applicant's relationship with the company(ies) which will provide the hardware (telephone and computer services) for the project.

(v) The technical capacity of the applicant to serve as a national communications system, including the number of telephones and telephone lines that exist or will be provided, the capabilities of the telephone system (conferencing, etc.) and the involvement of the vendor(s) in maintaining the hardware system.

(vi) The procedures that are or will be used to identify, recruit and train the personnel who staff the telephones; and the procedures used or to be used for evaluating their performance.

(vii) A description of how the applicant has linked or will link its national communications system activities with community-based runaway and homeless youth centers which provide temporary shelter, counseling and aftercare services to runaway and homeless youth and their families across the country.

Linkages should be established with both Federally and non-Federally funded centers.

(viii) A description of how the applicant has demonstrated active participation or will participate in local, State and national networks or coalitions of youth serving agencies or other human services organizations, and coordination with other youth hotline services. (Criteria 1, 2, 3, 4, 5.)

b. A description of the quantitative quarterly reports to be developed, including proposed projections of the accomplishments which have been or will be achieved, including but not limited to, the number of runaway and homeless youth and their families to be served. (Criterion 6.)

c. A description of the kinds of data to be collected and a discussion of how the project will maintain adequate statistical records profiling the youth and families served; and the procedures that are or will be employed to ensure the confidentiality of this information. (Criteria 2 and 6.)

4. Geographic Location. Describe the precise location of the project. If the applicant presently provides services on a national basis, use a map to indicate the areas of the country from which the greatest number of calls and the least number of calls are received. Maps or other graphic aids may be attached (1 page).

5. Organizational Capability (maximum of 5 pages, single spaced, excluding position descriptions or resumés). Provide an organizational chart and describe the following: how the project is or will be staffed; how staff and volunteers are or will be recruited and selected, supervised and trained; how the organization ensures or will ensure 24-hour/365 days a year accessibility to its services; and how specific roles for youth have or will be defined in planning, policy decisionmaking and service delivery.

a. Provide position descriptions and resumes or qualifications required for key positions in the program (e.g., the Executive Director, Volunteer Coordinator), and a listing of board members, as applicable. Describe how the organization involves or will involve other organizations, as applicable. Describe how the organization involves other members of the community and State in its program. Demonstrate that the organization has legal and fiscal viability in accordance with the provisions of Part 74 of Title 45 of the Code of Federal Regulations.

b. Describe the recruitment, training and utilization efforts for volunteers in the organization, including the roles volunteers have or will have in service delivery, outreach in the community, and as members of the Board of Directors or an advisory group.

c. Describe past related programmatic experiences and activities which are related to the types of services which are required under this announcement. (Criterion 3.)

6. Plans and Assurances. Applicants should provide a statement evidencing they that will comply with the program requirements as set forth in the Runaway and Homeless Youth Act and the implementing regulations—45 CFR Part 1351.

Closing Date for the Receipt of Applications

The closing date for receipt of applications under this announcement is February 18, 1986. Applications must be mailed or hand delivered to: Mary White, HHS/Division of Grants and Contracts Management, 200 Independence Avenue, S.W., Washington, D.C. 20201, Room 345–F, Attention: ACYF/FYSB–861.

Deadline for Submission of Applications

A. Hand delivered applications are accepted during the normal working hours of 9:00 a.m. to 5:30 p.m., Monday through Friday. An application will be considered as meeting the deadline if it is either:

1. Received on or before the deadline date at the above address, or

2. Sent on or before the deadline date, and received by the granting agency in time to be considered during the competitive review and evaluation process.

(Applicants are cautioned to request a legibly dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks are not acceptable as proof of timely mailing.)

B. Late applications. Applications which do not meet the criteria in paragraph A of this section are considered late applications. HDS will notify each late applicant that its application will not be considered in the current competition.

C. Extension of deadline. HDS may extend the deadline for all applicants because of acts of God such as floods, hurricanes, etc., when there is a widespread disruption of the mails or when HDS determines an extension to be in the best interest of the government. However, if HDS does not extend the deadline for all applicants, it will not waive or extend the deadline for any applicant.

Dated: December 26, 1985.

(Catalog of Federal Domestic Assistance No. 113.623)

Joseph Mottola,

Acting Commissioner, Administration for Children, Youth and Families.

Approved: December 26, 1985.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

BILLING CODE 4130-01-M

Appendix A

Runaway and Homeless Youth Program
National Communications System
Project Abstract Form

Using this format, please provide the following information, not exceeding one page. Attach the original and two copies to the front of the application that contains the original signatures. Please attach one copy to the front of the other sets of applications you submit.

a. Name of Applicant:
b. Address:
c. City/State/Zipcode:
d. Phone Number:
e. Contact Person:_____
f. Congressional District(s) Where Located:_____
g. Requested Funding Level: Federal$_____
Non-Federal$_____
Total$_____

h. State Single Point of Contact has been made aware of this application.

yes _____ no _____
n/a _____

i. Proposal Summary: Provide a 200 word maximum synopsis of your proposed project, including objectives, special needs, approach, expected outcomes, and other pertinent information.

OMB Approval No. 0348-0006

FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION *(Mark appropriate box)*
- ☐ NOTICE OF INTENT (OPTIONAL)
- ☐ PREAPPLICATION
- ☐ APPLICATION

2. APPLICANT'S APPLICATION IDENTIFIER
- a. NUMBER
- b. DATE *Year month day* 19

3. STATE APPLICATION IDENTIFIER *NOTE: TO BE ASSIGNED BY STATE*
- a. NUMBER
- b. DATE ASSIGNED *Year month day* 19

Leave Blank

SECTION I—APPLICANT/RECIPIENT DATA

4. LEGAL APPLICANT/RECIPIENT
- a. Applicant Name .
- b. Organization Unit .
- c. Street/P.O. Box .
- d. City . e. County
- f. State . g. ZIP Code.
- h. Contact Person *(Name & Telephone No.)* .

5. EMPLOYER IDENTIFICATION NUMBER (EIN)

6. PROGRAM *(From CFDA)*
- a. NUMBER | | | * | | | |
- MULTIPLE ☐
- b. TITLE

7. TITLE OF APPLICANT'S PROJECT (Use section IV of this form to provide a summary description of the project.)

8. TYPE OF APPLICANT/RECIPIENT
A—State; B—Interstate; C—Substate Organization; D—County; E—City; F—School District; G—Special Purpose District; H—Community Action Agency; I—Higher Educational Institution; J—Indian Tribe; K—Other *(Specify):*
Enter appropriate letter ☐

9. AREA OF PROJECT IMPACT *(Names of cities, counties, states, etc.)*

10. ESTIMATED NUMBER OF PERSONS BENEFITING

11. TYPE OF ASSISTANCE
A—Basic Grant; B—Supplemental Grant; C—Loan; D—Insurance; E—Other
Enter appropriate letter(s) ☐☐

12. PROPOSED FUNDING

a. FEDERAL	$	.00
b. APPLICANT		.00
c. STATE		.00
d. LOCAL		.00
e. OTHER		.00
f. Total	$	.00

13. CONGRESSIONAL DISTRICTS OF:
- a. APPLICANT
- b. PROJECT

15. PROJECT START DATE *Year month day* 19

16. PROJECT DURATION *Months*

18. DATE DUE TO FEDERAL AGENCY ► *Year month day* 19

14. TYPE OF APPLICATION
A—New; B—Renewal; C—Revision; D—Continuation; E—Augmentation
Enter appropriate letter ☐

17. TYPE OF CHANGE *(For 14c or 14e)*
A—Increase Dollars; B—Decrease Dollars; C—Increase Duration; D—Decrease Duration; E—Cancellation; F—Other *(Specify):*
Enter appropriate letter(s) ☐☐☐

19. FEDERAL AGENCY TO RECEIVE REQUEST
- a. ORGANIZATIONAL UNIT (IF APPROPRIATE)
- b. ADMINISTRATIVE CONTACT (IF KNOWN)
- c. ADDRESS

20. EXISTING FEDERAL GRANT IDENTIFICATION NUMBER

21. REMARKS ADDED ☐ Yes ☐ No

SECTION II—CERTIFICATION

22. THE APPLICANT CERTIFIES THAT► To the best of my knowledge and belief, data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is approved.
- a. YES, THIS NOTICE OF INTENT/PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:
  DATE _____
- b. NO, PROGRAM IS NOT COVERED BY E.O. 12372 ☐
  OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW ☐

23. CERTIFYING REPRESENTATIVE
- a. TYPED NAME AND TITLE
- b. SIGNATURE

SECTION III—FEDERAL AGENCY ACTION

24. APPLICATION RECEIVED *Year month day* 19

25. FEDERAL APPLICATION IDENTIFICATION NUMBER

26. FEDERAL GRANT IDENTIFICATION

27. ACTION TAKEN
- ☐ a. AWARDED
- ☐ b. REJECTED
- ☐ c. RETURNED FOR AMENDMENT
- ☐ d. RETURNED FOR E.O. 12372 SUBMISSION BY APPLICANT TO STATE
- ☐ e. DEFERRED
- ☐ f. WITHDRAWN

28. FUNDING

a. FEDERAL	$	.00
b. APPLICANT		.00
c. STATE		.00
d. LOCAL		.00
e. OTHER		.00
f. TOTAL	$	.00

29. ACTION DATE► *Year month day* 19

30. STARTING DATE *Year month date* 19

31. CONTACT FOR ADDITIONAL INFORMATION *(Name and telephone number)*

32. ENDING DATE *Year month date* 19

33. REMARKS ADDED ☐ Yes ☐ No

NSN 7540-01-008-8162
PREVIOUS EDITION IS NOT USABLE

424-103

STANDARD FORM 424 PAGE 1 (Rev. 4-84)
Prescribed by OMB Circular A-102

OMB NO. 0348-0006

PART II
PROJECT APPROVAL INFORMATION

Item 1.
Does this assistance request require State, local regional, or other priority rating?
_____ Yes _____ No

Name of Governing Body _____
Priority Rating _____

Item 2.
Does this assistance request require State, or local advisory, educational or health clearances?
_____ Yes _____ No

Name of Agency or Board _____
(Attach Documentation)

Item 3.
Does this assistance request require State, local, regional or other planning approval?
_____ Yes _____ No

Name of Approving Agency _____
Date _____

Item 4.
Is the proposed project covered by an approved comprehensive plan?
_____ Yes _____ No

Check one: State ☐
Local ☐
Regional ☐
Location of Plan _____

Item 5.
Will the assistance requested serve a Federal installation?
_____ Yes _____ No

Name of Federal Installation _____
Federal Population benefiting from Project _____

Item 6.
Will the assistance requested be on Federal land or installation?
_____ Yes _____ No

Name of Federal Installation _____
Location of Federal Land _____
Percent of Project _____

Item 7.
Will the assistance requested have an impact or effect on the environment
_____ Yes _____ No

See instructions for additional information to be provided.

Item 8.
Will the assistance requested cause the displacement of individuals, families, businesses, or farms?
_____ Yes _____ No

Number of:
Individuals _____
Families _____
Businesses _____
Farms _____

Item 9.
Is there other related assistance on this project previous, pending, or anticipated
_____ Yes _____ No

See instructions for additional information to be provided.

OMB NO. 0348-0006

PART III - BUDGET INFORMATION

SECTION A - BUDGET SUMMARY

Grant Program, Function or Activity (a)	Federal Catalog No. (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. TOTALS		$	$	$	$	$

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	- Grant Program, Function or Activity				Total
	(1)	(2)	(3)	(4)	(5)
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges					
j. Indirect Charges					
k. TOTALS	$	$	$	$	$
7. Program Income	$	$	$	$	$

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SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) APPLICANT	(c) STATE	(d) OTHER SOURCES	(e) TOTALS
8.	$	$	$	$
9.				
10.				
11.				
12. TOTALS	$	$	$	$

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. Non-Federal					
15. TOTAL	$	$	$	$	$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (YEARS)			
	(b) FIRST	(c) SECOND	(d) THIRD	(e) FOURTH
16.	$	$	$	$
17.				
18.				
19.				
20. TOTALS	$	$	$	$

SECTION F - OTHER BUDGET INFORMATION
(Attach Additional Sheets if Necessary)

21. Direct Charges:

22. Indirect Charges:

23. Remarks:

PART IV PROGRAM NARRATIVE (Attach per instruction)

PART V

ASSURANCES

The Applicant hereby assures and certifies that it will comply with the regulations, policies, guidelines and requirements, including 45 CFR Part 74 and OMB Circulars No. A-102, A-110 and applicable cost principles, (Circulars: A-21, "Educational Institutions"; A-87, "Cost Principles for State and Local Governments"; and A-122, "Nonprofit Organizations"), as they relate to the application, acceptance and use of Federal funds for this Federally assisted project. Also the applicant assures and certifies with respect to the grant that:

1. It possesses legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

2. It will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and in accordance with Title VI of that Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement.

3 It will comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d) prohibiting employment discrimination where (1) the primary purpose of a grant is to provide employment or (2) discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the grant-aided activity.

4. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally-assisted programs.

5. It will comply with the provisions of the Hatch Act which limit the political activity of State and local government employees.

6. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act (29 U.S.C. 201) as they apply to employees of institutions of higher education, hospitals, other nonprofit organizations, and to employees of State and local governments who are not employed in integral operations in areas of traditional governmental functions.

   Head Start, Certification of Minimum Wage: It certifies that it has reviewed the salary structures and wages for all positions and certifies that persons employed in carrying out this program shall not receive compensation at a rate which is (a) in excess of the average rate of compensation paid in the area to persons providing substantially comparable services; or (b) less than the minimum wage rate prescribed in section 6(a) of the Fair Labor Standards Act of 1938. Documentation of the methods by which it established wage scales is available in their files for review by audit and HDS personnel.

7. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

8. It will give the sponsoring agency or the Comptroller General through any authorized representative the access to and the right to examine all records, books, papers, or documents related to the grant, including the records of contractors and subcontractors performing under the grant.

9. It will comply with all requirements imposed by the Federal sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements.

10. It will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.

The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.

11. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards.

12. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the grantee's activity and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.

13. Applicants for the Administration for Native Americans Programs, hereby certify in accordance with 45 CFR 1336.53, that the financial assistance provided by the Office of Human Development Services for the specified activities to be performed under this program, will be in addition to, and not in substitution for, comparable activities provided without Federal assistance.

14. It will comply with the Age Discrimination Act of 1975 enacted as an amendment to the Older Americans Act (Pub. L. 94-135), which provides that: No person in the United States shall, on the basis of age be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity for which the applicant receives Federal financial assistance.

15. It will comply with Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), all requirements imposed by the applicable HHS regulation (45 C.F.R. Part 84), and all guidelines and interpretations issued pursuant thereto, which prohibits discrimination on the basis of handicap in programs and activities receiving Federal financial assistance.

16. It will comply with Title IX of the Education Amendments of 1972 (20 U.S.C. 1681, et seq.) which prohibits discrimination on the basis of sex in education programs and activities receiving Federal financial assistance (whether or not the programs or activities are offered or sponsored by an educational institution).

17. It will comply with Pub. L. 93-348 as implemented by Part 46 of Title 45 (45 CFR 46, 42 U.S.C. 2891) regarding the protection of human subjects involved in research, development, and related activities supported by the grant.

18. It will comply with the equal opportunity clause prescribed by Executive Order 11246, as amended, and will require that its subrecipients include the clause in all construction contracts and subcontracts which have or are expected to have an aggregate value within a 12-month period exceeding $10,000, in accordance with Department of Labor regulations at 41 CFR Part 60.

19. It will include, and will require that its subrecipients include, the provision set forth in 29 CFR 5.5(c) pertaining to overtime and unpaid wages in any nonexempt nonconstruction contract which involves the employment of mechanics and laborers (including watchmen, guards, apprentices, and trainees) if the contract exceeds $2,500.

ASSURANCE OF COMPLIANCE WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES REGULATION UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

_____ (hereinafter called the "Applicant") HEREBY
Name of Applicant (type or print)

AGREES THAT it will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 CFR Part 80) issued pursuant to that title, to the end that, in accordance with Title VI of that Act and the Regulation, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance from the Department; and HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.

If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Applicant by the Department, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is so provided, this assurance shall obligate the Applicant for the period during which it retains ownership or possession of the property. In all other cases, this assurance shall obligate the Applicant for the period during which the Federal financial assistance is extended to it by the Department.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Applicant by the Department, including installment payments after such date on account of applications for Federal financial assistance which were approved before such date. The Applicant recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Applicant.

Date _____ By _____
Signature and Title of Authorized Official

_____
Area Code — Telephone Number

_____
Applicant (type or print)

_____
Street Address

_____
City State Zip

PLEASE RETURN ORIGINAL TO: Office of Civil Rights
Room 5627/B North Building
330 Independence Ave., N.W.
Washington, DC 20201

RETURN COPY TO: **GRANTS MANAGEMENT OFFICE**

HHS-441 (7/84) Rev.

A-8

HDS GRANTS MANAGEMENT
GPO 908-715

DEPARTMENT OF HEALTH AND HUMAN SERVICES
ASSURANCE OF COMPLIANCE WITH SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED

The undersigned (hereinafter called the "recipient") HEREBY AGREES THAT it will comply with section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), all requirements imposed by the applicable HHS regulation (45 C.F.R. Part 84), and all guidelines and interpretations issued pursuant thereto.

Pursuant to § 84.5(a) of the regulation [45 C.F.R. 84.5(a)], the recipient gives this Assurance in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts (except procurement contracts and contracts of insurance or guaranty), property, discounts, or other federal financial assistance extended by the Department of Health and Human Services after the date of this Assurance, including payments or other assistance made after such date on applications for federal financial assistance that were approved before such date. The recipient recognizes and agrees that such federal financial assistance will be extended in reliance on the representations and agreements made in this Assurance and that the United States will have the right to enforce this Assurance through lawful means. This Assurance is binding on the recipient, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the recipient.

This Assurance obligates the recipient for the period during which federal financial assistance is extended to it by the Department of Health and Human Services or, where the assistance is in the form of real or personal property, for the period provided for in § 84.5(b) of the regulation [45 C.F.R. 84.5(b)].

The recipient: [Check (a) or (b)]

a. ( ) employs fewer than fifteen persons;

b. ( ) employs fifteen or more persons and, pursuant to § 84.7(a) of the regulation [45 C.F.R. 84.7(a)], has designated the following person(s) to coordinate its efforts to comply with the HHS regulation:

_____
Name of Designee(s) — Type or Print

_____ _____
Name of Recipient — Type or Print Street Address

_____ _____
(IRS) Employer Identification Number City

_____ _____
Area Code — Telephone Number State Zip

I certify that the above information is complete and correct to the best of my knowledge.

_____ _____
Date Signature and Title of Authorized Official

If there has been a change in name or ownership within the last year, please PRINT the former name below:

PLEASE RETURN ORIGINAL TO: Office for Civil Rights, Room 5627/B North Building, 330 Independence Avenue, N.W., Washington, D.C. 20201.

RETURN COPY TO: Grants Management Office

HHS-641 (7/84) REV.)
GPO 908-714

APPLICATION CERTIFICATIONS FOR PROFIT MAKING ORGANIZATIONS

Applicants who are For Profit Organizations shall complete the following certification review when applying for HDS Financial Assistance.

1. Small Business Certification

The applicant ( ) is, ( ) is not, a small business concern. A small business concern is defined as a business, including its affiliates, which is independently owned and operated, is not dominant in the field of operation and can further qualify under the criteria concerning number of employees, average annual receipts, or other criteria, as prescribed by the Small Business Administration. See Code of Federal Regulations, Title 13, Part 121, as amended, which contains detailed definitions and related procedures.

2. Minority Business Enterprise Certification

The applicant ( ) is, ( ) is not, a minority business enterprise. A minority business enterprise is defined as a business, at least 51 percent of which is owned, controlled, and managed by minority group members who are citizens of the U.S. In case of a corporation, 51 percent of all classes of voting stock of such corporations must be owned by an individual(s) determined to be minority. For the purpose of this definition, minority group members are Black Americans, Hispanic Americans, Native Americans (American Indians, Eskimos, Aleuts, or Native Hawaiians), Asian Pacific Americans (persons with origins from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, U.S. Trust Territory of the Pacific Islands, Laos, Cambodia, or Taiwan) and members of other groups designated from time to time by the Small Business Administration according to the procedures set forth at 13 CFR Part 124.1.

3. Woman-Owned Business Certification

The applicant ( ) is, ( ) is not, a woman-owned business. A woman-owned business is a business which is, at least, 51 percent owned, controlled, and operated by a woman or women. Controlled is defined as exercising the power to make policy decisions. Operated is defined as actively involved in the day-to-day management.

4. Small Business Innovation Research Act

This application ( ) is, ( ) is not, submitted under the Small Business Innovation Research Act.

For Profit Organizations must submit this form with the completed application.

HDS GRANTS MANAGEMENT 1/83

BILLING CODE 4130-01-C

Appendix B—Instructions for Applying for Federal Assistance from HDS Programs

OMB 0980–0016

Expires: 2/85

CLEARANCE Pending: 2/88

Introduction

Use of Forms

The forms included in this "kit" shall be used to apply for all new discretionary grants and cooperative agreements awarded by the Office of Human Development Services. They shall also be used to request supplemental assistance, proposed changes or amendments, and request continuation or refunding for previously approved grants or cooperative agreements from the Office of Human Development Services. An original and two copies of the forms should be submitted to the responsible grants management office. If an item cannot be answered or does not appear to be related or relevant to the assistance required, write "NA" for not applicable.

Applications

Applicants for new awards and competing continuations are required to submit a complete application which consists of Parts I (SF–424) through Part V. Applicants for new projects must include completed Standard Forms 441, Civil Rights Assurance and HHH—641, Rehabiltation Act Assurance. Applicants for additional funding (such as a non-competing continuation or supplemental grant) Or amendments to a previously submitted application should include only affected pages. Previously submitted pages whose information is still current need not be resubmitted. Additionally, applicants for certain HDS programs may be subject to Executive Order 12372, Intergovernmental Review of Federal Programs (see Attachments 1 and 2). These applicants must follow the instructions provided relative to Executive Order 12372 coverage where appropriate, as listed on page 11.

Submission of Applicants

(1) Non-competing Continuation Grants—Applicants for continuation grants must submit these forms not later than 90 days prior to the budget period end date.

(2) New Projects and Competing Continuations—Applicants for Assistance to support new projects or for competing continuations should refer to program announcements for information regarding deadine dates for submission of forms.

Instructions for Completion of Part I (SF–424)

Section I

Applicants shall complete all items in Section I. If an item is not applicable, write "NA". If additional space is needed, insert an asterisk (*) and use Section IV.

Item

1.—Mark appropriate box. Preapplication and application are described in OMB Circular A–102 and HDS program instructions. Use of the SF–424 as a Notice of Intent is at State option. HDS does not require Notice of Intent.

2a.—Applicant's own control number, if desired.

2b.—Date Section I is prepared.

3a.—For a program covered by Executive Order 12372, enter the number assigned, if any, by the State Point of Contact Office. Applications submitted to OHDS must contain this identifier, if provided by the State Point of Contact. Note: Item 22 of this form, must be completed for programs covered by E.O. 12372.

3b.—Date identifier is assigned by State.

4a.–4h.—Enter legal name of applicant/recipient, name of primary organizational unit which will undertake the assistance activity, complete address of applicant, and name and telephone number of person who can provide further information about this request.

IF THE PAYEE WILL BE OTHER THAN THE APPLICANT, ENTER IN THE REMARKS SECTION "PAYEE". THE PAYEE'S NAME, DEPARTMENT OR DIVISION. COMPLETE ADDRESS AND EMPLOYER, IDENTIFICATION NUMBER AND DHHS ENTITY NUMBER.

If an individual's name and/or title is desired on the payment instrument, the name/or title of the designated individual must be specified.

5.—Enter Employer Identification Number of applicant as assigned by the Internal Revenue Service. If the applicant organization has been assigned a DHHS Entity Number consisting of the IRS employer identification number prefixed by "1" and suffixed by a two-digit number, enter the full Entity Number. If applicant has other grants with DHHS and has been assigned a Payee Identification Number, enter PIN in parenthesis () beside employer identification number.

6a.—Enter the Catalog of Federal Domestic Assistance number assigned to program under which assistance is requested. If more than one program (e.g., joint funding) enter "multiple" and explain in Section IV remarks. If unknown, cite Public Law or U.S. Code.

6b.—Enter the program title from Catalog of Federal Domestic Assistance. Abbreviate if necessary.

7.—Enter title and appropriate description of project. For Notification of Intent, continue in Section IV if necessary to convey proper description. If project affects particular sites as, for example, constitution or real property projects, attach a map showing the project location.

8.—Enter appropriate letter to designate grantee type—"City" includes town, township or other municipality. If the grantee is other than that listed, specify type on "Other" line e.g., Council of Government. *Note:* Nonprofit organizations which have not previously received HDS program support must submit proof of nonprofit status.

9.—Enter Governmental unit where significant and meaningful impact could be observed. List only largest unit or units is affected, such as State, county, or city. If entire unit is affected, list it rather than subunits.

10.—Identify estimated number of persons *directly* benefiting from project, as described in the program narrative.

11.—All applicants for new, competing continuation and non-competing continuation grants should enter the letter "A". And applicants for supplemental grant funding should enter the letter "B".

12.—Enter amount requested or to be contributed during the initial funding/budget period by each contributor. Where allowable the value of inkind contributions should be included. If the action is a change in dollar amount of existing grant (a revision or augumentation), indicate only the amount of the change. For decreases, enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in Section IV. For multiple program funding use totals and show program breakdowns in remarks. Item definitions: 12a, amount requested from Federal Government; 12b, amount applicant will contribute; 12c, amount from State, if applicant is not a State; 12d, amount from local government, if applicant is not a local government; 12e, amount from any other sources, explain in Section IV. *Note:* Applicants for research grants should complete 12a and 12f only.

13a.—Self explanatory.

13b.—Enter the district(s) where most of actual work will be accomplished. If city-wide or State-wide covering several districts, write "city-wide" or "State-wide".

14.—Enter appropriate letter. Definitions are:

A. *New.* A submittal for the first time for a new project or project period (includes competing continuations).

B. *Renewal.* Not applicable to HDS grant programs.

C. *Revision.* A modification to project after the initial funding/budget period and within the approved project period.

D. *Continuation.* Support for a non-competing continuation project after the initial funding/budget period and within the approved project period.

E. *Augumentation.* (Referred to elsewhere in these instructions and in other HDS publications as a "supplemental"). An application for additional funds for a project previously awarded funds in the same funding/budget period. Project nature and scope unchanged.

15.—Enter approximate date project is expected to begin. If initial budget period is other than 12 months, check item 21 and explain in Part IV.

16.—Enter estimated number of months to complete project after Federal funds are available.

17.—Complete only for revisions (item 14c), or augumentations (Supplements) (Item 14e).

18.—Date application/preapplication must be submitted to HDS in order to be eligible for funding consideration.

19.—Name and address of the Federal agency to which this request is addressed. Indicate as clearly as possible the name of the office to which the application will be delivered.

20.—Enter existing Federal grant identification number if this is not a new request and directly relates to a previous Federal action. Otherwise write "NA".

21.—Check appropriate box as to whether Section IV of form contains remarks and/or additional remarks are attached.

Section II

Applicants will always complete either item 22a or 22b *and* items 23a and 23b. An explanation follows for each item.

22a.—Complete if application is subject to Executive Order 12372 (State review and comment). Note: All written comments submitted by or through the State Contact must be attached, if available. Applicants are advised of the delay of funding near the end of the fiscal year, if a timely notification to the State Contact is not made.

22b.—Check if application is not subject to E.O. 12372.

23a.—Name and title of authorized representative of legal applicant.

23b.—Self explanatory. *Note:* Authorized representative signature cannot be signed by designee.

Note.—Applicant completes only sections I and II. Section III is completed by Federal agencies.

Instructions for Completion of Part II

Negative answers will not require an explanation unless the responsible HDS program office requests more information at a later date. All "Yes" answers must be explained on a separate page in accordance with these instructions.

Item 1—Provide the name of the governing body establishing the priority system and the priority rating assigned to this project. If the priority rating is not available, give the approximate date that it will be obtained.

Item 2—Provide the name of the agency or board which issued the clearance and attach the documentation of status or approval. If the clearance is not available, give the approximate date that it will be obtained.

Item 3—Furnish the name of the approving agency and the approval date. If the approval has not been received, state approximately when it will be obtained.

Item 4—Show whether the approved comprehensive plan is State, local or regional; or, if none of these, explain the scope of the plan. Give the location where the approved plan is available for examination, and state whether this project is in conformance with the plan. If the plan is not available, explain why.

Item 5—Show the population residing or working on the Federal installation who will benefit from this project. (Federally recognized Indian reservations are not "Federal Installations")

Item 6—Show the percentage of the project work that will be conducted on Federally-owned land or leased land. Give the name of the Federal installation and its location.

Item 7—Briefly describe the possible beneficial and/or harmful effect on the environment because of the proposed project. If an adverse environmental effect is anticipated, explain what action will be taken to minimize it.

Item 8—State the number of individuals, families, businesses, or farms this project will displace. Federal agencies will provide separate instructions, if additional data is needed.

Item 9—Show the Catalog of Federal Domestic Assistance number, the program number, the type of assistance, the status, the amount of each project where there is related previous, pending or anticipated assistance from another funding source.

Instructions for Completion of Part III

This form is designed so that application can be made for funds to support one or more functions or activities. Generally, HHS funded programs do not require a breakdown by function or activity. Therefore, only Line 1 need be completed. However, Head Start, funded by the Administration for Children, Youth and Families requires that activities commonly identified by program accounts be displayed separately on individual lines (Lines 1–4 under Section A and Columns 1–4 under Section B).

Since HDA programs award funds to support activities for budget periods which are generally 12 months in duration, Section A, B, C, and D must provide budget information for the requested budget period. Section E should reflect the need for Federal assistance in subsequent budget periods.

Applicants for research grants are not required to complete information items related to non-Federal share. Rather, research cost sharing shall be negotiated separately with the funding office.

Section A—Budget Summary

Lines 1–4

Col. (a): For applications pertaining to a single grant program and *not* requiring a functional, activity or program account breakout enter on Line 1 under Column (a) the Federal Domestic assistance Catalog program title (See attached listing). For "Head Start", enter the activities (program accounts) name and number for which funds are being requested on separate lines.

Col. (b): Enter appropriate Catalog of Federal Domestic Assistance number. For "Head Start", enter the activities (program accounts) name and number for which funds are being requested on separate lines.

Col. (c)–(g): For *new applications*, leave Columns (c) and (d) blank. For each line entry, enter in Columns (e), (f), and (g) the appropriate amounts needed to support the project for the first budget period. Applicants for research grant should make no entries in Column (f).

For *non-competing*, or *competing continuation applications*, enter in Columns (c) and (d) the estimated amounts for funds which will remain unobligated at the end of the current budget period. Enter in columns (e), (f), and (g) the appropriate amounts needed to support the project for the new budget period. (Applicants for research grants

should make no entries in Columns (d) or (f). Column (g) should equal the total of Column (e) and Column (f).

For *augumentation* (supplements) *and changes to existing grants*, leave Columns (c) and (d) blank and enter in Columns (e) and (f) the amount of increase or decrease of Federal and non-Federal funds, as appropriate. Enter in Column (g) the new total budgeted amount (Federal and non-Federal) which includes the previously authorized total budgeted amounts for the current budget period plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Columns (g) should not equal the sum of the amounts in Columns (e) and (f). Applicants for research grants should make no entries in columns (d) or (f).

Line 5

Enter the totals for all columns completed.

Section B—Budget Categories

Columns 1–5

In the Column heading (1) through (4), enter the same titles of the grant programs and/or program accounts shown on Lines 1 through 4, Column (a), Section A. For each grant program or activity (program account) entered in Columns (1) through (4) enter the total requirements for *Federal funds* by object class categories and enter total in Column 5.

Allowability of costs are governed by applicable cost principles set forth in Subpart Q of 45 CFR Part 74 and the HDS Grants Administration Manual.

Personnel—Line 6a: Enter the total costs of salaries and wages of applicant/grantee staff. Do not include costs of consultants or personnel costs of delegate agencies. (See Section F, Line 21, for additional requirements).

Fringe Benefits—Line 6b: Enter the total costs of fringe benefits unless treated as part of an approved indirect cost rate. Provide break-down of amounts and percentages that comprise fringe benefit costs.

Travel—Line 6c: Enter total costs of out-of-town travel for employees of the project. Do not enter costs for consultant's travel or local transportation. Provide justification for requested travel costs. (See Line 6h and Section F, Line 21, for additional instructions).

Equipment—Line 6d: Enter the total costs of all equipment to be acquired by the project. "Equipment" means an article of tangible personal property having a useful life of more than two years and an acquisition cost of $500 or more per unit. An applicant may use its own definition of equipment, provided that such a definition would at least include all tangible personal property as defined in the preceeding sentence. (See Section F, Line 21, for additional requirements).

Supplies—Line 6e: Enter the total costs of all tangible personal property (supplies) other than that included on line 6d.

Contractual—Line 6f: Enter the total costs of all contracts, including (1) procurement contracts (except those which belong on other lines such as equipment, supplies, etc.), and, (2) contracts agreements with secondary recipient organizations including delegate agencies. Also include any contracts with organizations for the provision of technical assistance. Do not include payments to individuals on this line. Attach a list of contractors indicating the name of the organization; the purpose of the contract; statement (scope) of work; period of performance; and the estimated dollar amount of the award. If the Name of Contractor, Scope of Work and estimated total is not available or has not been negotiated, include in Line h, "Other". (*Note:* Whenever the applicant/grantee intends to delegate part or all of the program to another agency, the applicant/grantee must submit sections A and B of Part III, Budget Section, completed for each delegate agency by agency title, along with the required supporting information referenced in the applicable instructions. The total cost of all such agencies will be part of the amount shown on Line 6(f). Provide back-up documentation identifying Name of contractor, purpose of contract and major cost elements.

Construction—Line 6g: Enter the total costs of alterations or renovation. Provide narrative justification and break-down or costs. New construction is unallowable.

Other—Line 6h: Enter the total of all other costs. Such costs, where applicable, may include, but are not limited to, insurance, food, medical and dental costs, (noncontractual), fees and travel paid directly to individual consultants, local transportation (all travel which does not require per diem is considered local travel), space and equipment rentals, printing and publication, computer use, training costs including tuition and stipends, training service costs including wage payments to individuals and supportive service payments, and staff development costs.

Total Direct Charges—Line 6i: Show the totals of Lines 6(a) through 6(h).

Indirect Charges—Line 6j: Enter the total amount of indirect costs. If no indirect costs are requested enter "none". This line should be used only when the applicant (except local governments) has an indirect cost rate approved by the Department of Health and Human Services. If rate has recently been approved, please enclose a copy of current rate. Local governments shall enter the amount of indirect costs determined in accordance with HHS requirements. In the case of training grants to other than State or local governments, the reimbursement of indirect costs will be limited to the lesser of actual indirect costs or 8 percent of the amount allowed for direct costs exclusive of any equipment charges, rental of space, tuition and fees, post-doctoral training allowances, contractual items, and alteration and renovations. It should be noted that when an indirect cost rate is requested, these costs included in the indirect cost pool should not be also charged as direct costs to the grant.

Total—Line 6k: Enter the total amounts of Lines 6(i) and 6(j). For all new competing and non-competing continuation applications, the total amount shown in Column (5), Line 6(k), should be the same as the amount shown in Section A, Column (e), Line 5.

For all supplements or changes, the total of the amount shown in Columns (1) through (4) should equal the amount shown in Section A, Line 5(e). The amount shown in Column (5) should include the cummulative total of the previously approved Federal share for the current budget period plus or minus, as appropriate, the increase or decrease of Federal funds.

Program Income—Line 7: Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show, in the program narrative statement, the nature and source of income.

Section C—Non-Federal Resources

Line 8–11: Enter amounts of non-Federal resources that will be used to support the project. (Applicants for research grants should not complete this Section but will negotiate appropriate cost sharing arrangements with the funding office). Provide a brief explanation, on a separate sheet, showing the type of contribution, and whether it is in cash or in-kind. If in-kind, is allowable and included, show the basis for computation including:

(1) Numbers and types of volunteers and rates at which their services are valued;

(2) Valuation of donated space (use only) including number of square feet and value assigned per square foot; and

(3) Determination of depreciation and use allowance for grantee-owned space; [Include statement whether space was purchased or constructed, totally or in part with federal funds for items (2) and (3)].

(4) Type and value of other in-kind contributions expected.

Column (a): Enter the program title or activities (program accounts) as in Column (a) Section A.

Column (b): Enter the amount of cash and in-kind contributions to be made by the applicant.

Column (c): Enter the State contribution. If the applicant is a State agency, enter the non-Federal funds to be contributed by the State other than the applicant State agency.

Column (d): Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e): Enter the totals of Columns (b), (c), and (d).

Line 12—Enter total of each of Columns (b) through (e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D—Forecasted Cash Needs

Line 13—Enter the amount of Federal cash needed for this grant, by quarter, during the budget period.

Line 14—Enter the amount of cash from all other sources needed by quarter during the budget period. (Applicants for research grants should not complete this line.)

Line 15—Enter the totals of amounts on Line 13 and 14.

Section E—Budget Estimates of Federal Funds Needed for Balance of Projects

Line 16–19—Enter in Column (a) the same program title or activities (program accounts) as in Column (a) Section A. For new or competing continuation or non-competing continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding budget periods (usually in years). Do not enter current year budget amount; enter second, third, fourth, and fifth year budget estimate needs. This Section need not be completed for Headstart applicants with indefinite project periods or for revisions or supplements for the current budget period which do not increase the general level of support.

Line 20—Enter the totals of each of the Columns (b) through (e).

Section F—Other Budget Information

Line 21—Use this space to fully explain and justify the major items included in the budget categories shown in Section B. Include sufficient detail to facilitate determination of allowability, relevance to the project, and cost benefits. Particular attention must be given to the explanation of any requested direct cost budget item which requires explicit approval by the HDS program office. Budget items which require identification and justification shall include, but not be limited to, the following:

1. Salary amounts and percentage of time worked for those key individuals who are identified in the project narrative.

2. Any foreign travel;

3. A list of all equipment (See Part III, Section B, Line 6d) and estimated cost of each item to be purchased. Need for equipment must be supported in program narrative.

4. Contractual: Major items or groups of smaller items; and

5. Other: group and major categories, e.g., consultants, local transportation, space rental, training allowances, staff training, computer equipment, etc. Provide a complete break-down of all costs that make up this category.

Line 22—Enter the type of indirect rate (provisional, final fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied and the total indirect expense. Also, enter the date HDS approved the rate, where applicable. Attach a copy of rate agreement if recently approved.

Line 23—Provide any other explanations required or deemed necessary.

Attachment 1—Executive Order 12372 Coverage

1. General

Executive Order 12372, "Intergovernmental Review of Federal Programs," provides for the State and local government coordination and review of proposed Federal financial assistance. Certain applicants for HDS grants must comply with the provisions of E.O. 12372 and 45 CFR Part 100, "Intergovernmental Review of Department of Health and Human Services Programs and Activities." The following table provides a listing of all HDS assistance programs identified by Catalog of Federal Domestic Assistance Number (CFDA), and shows those programs and activities which are covered by E.O. 12372 and those which are exempt from coverage.

Federally recognized Indian Tribes are exempt from the provisions and requirements of E.O. 12372 (see 48 FR 29196 dated June 24, 1983).

States may design their own processes for reviewing and commenting on proposed Federal assistance under certain Federal programs. States adopting a review process under the E.O. will have designated a State official or organization to act as the State's "Single Point of Contact" (SPOC) for sending official State recommendations to HDS. Applicants with projects subject to E.O. 12372 review must adhere to the requirements of their State processes.

2. Procedures for New and Competing Continuation Applications

E.O. 12372 requires applicants for new and competing continuation grants and cooperative agreements to coordinate their plans at the State and local levels through the State SPOC. Names and addresses of the State SPOC are listed in the **Federal Register** announcement soliciting applications or in the application kit. A current listing can also be obtained from the regional or headquarters grants management office. Potential applicants should contact their State SPOC at the learliest feasible time and notify them of their intent to apply for Federal assistance. Many State offices have their own notification forms and instructions, and applicants should obtain this material directly from them.

Applications submitted to HDS must respond to the E.O. 12372 Certification, Item 22 on Standard Form 424. HDS will notify the State SPOC of any application covered by E.O. 12372 that does not indicate that the State contact has had an opportunity to review it. Therefore, failure to notify the State of the proposed application to HDS may result in a delay of funding as HDS will not make an award without assurance of compliance with this process.

State SPOC offices have sixty (60) days after the HDS deadline date for the receipt of applications in which to review and resolve problems with the applicant and submit comments to HDS.

3. Procedures for Non-Competing Continuation Applications

Applicants for non-competing continuations of awards covered by E.O. 12372 must contact the State SPOC regarding their application at the earliest possible time. Applications submitted to HDS must respond to the E.O. 12372 Certification, Item 22 on the Standard Form 424. HDS will notify the State SPOC of the receipt of any covered program application which has

no indication that the State process has had an opportunity for review.

The closing date for submission of State comments is thirty (30) days after the deadline date for receipt of applications. Applicants are advised to make clear to the SPOC that they are applying for a non-competing continuation award with a thirty day rather than a sixty (60) day review period.

Attachment 2—HDS Programs and Activities Covered by Executive Order 12372

Catalog of Federal domestic assistance No.	Discretionary grants	Mandatory or formula grants
13.600	Head Start—Basic Head Start Program, Research, Training and Technical Assistance, Demonstration, and Pilot Projects.	
13.623	Runaway Youth—All projects.	
13.628	Child Abuse and Neglect Prevention and Treatment—All projects.	State Child Abuse and Neglect Prevention and Treatment.
13.630	.....	Developmental Disabilities—Basic Support and Advocacy.
13.631	Developmental Disabilities Special Projects.	
13.633	.....	Aging—Title III-A & III-B, Grants for Supportive Services and Senior Centers.
13.635	.....	Aging—Title III-C, Nutrition Services.
13.645	.....	Child Welfare Services—Title IV-B State Grants.
13.646	.....	Work Incentive Program (WIN).
13.608	Child Welfare Research & Demonstration Section 426 of Social Security Act (SSA).	
13.612	Native American Programs—Financial Assistance.	
13.632	Developmental Disabilities—University Affiliated Facilities and Satellite Centers.	
13.647	Social Services Research and Demonstration—Section 1110 of SSA.	
13.648	Child Welfare Services (426) Training.	
13.652	Adoption Opportunities—Research & Demonstration.	
13.655	Aging—Title VI, Grants to Indian Tribes.	
13.658	.....	Title IV-E, Foster Care.
13.659	.....	Title IV-E—Adoption Assistance.
13.661	Native American Programs—Research, Demonstration, and Evaluation.	
13.662	Native American Programs—Training and Technical Assistance.	
13.667	.....	Social Services Block Grant.
13.668	Aging—Title IV, Research, Demonstration, & Training.	

Appendix C—Executive Order 12372—State Single Points of Contact

Alabama

Mrs. Donna J. Snowden, SPOC, Alabama State Clearinghouse, Alabama Department of Economic and Community Affairs, 3465 Norman Bridge Road, Post Office Box 2939, Montgomery, Alabama 36105–0939, Tel. (205) 284–8905

Alaska

None

Arizona

Department of Commerce, State of Arizona

Note.—Correspondence and questions concerning this State's E.O. 12372 process should be directed to:

Janice Dunn,
ATTN: Arizona State Clearinghouse, 1700 West Washington, Fourth Floor, Phoenix, Arizona 85007, Tel. (602) 255–5004

Arkansas

State Clearinghouse, Office of Intergovernmental Services, Department of Finance and Administration, P.O. Box 3278, Little Rock, Arkansas 72203, Tel. (501) 371–1074

California

Office of Planning and Research, 1400 Tenth Street, Sacramento, California 95814, Tel. (916) 445–0282

Colorado

State Clearinghouse, Division of Local Government, 1313 Sherman Street, Room 520, Denver, Colorado 80203, Tel. (303) 866–2156

Connecticut

Gary E. King, Under Secretary, Comprehensive Planning Division, Office of Policy and Management, Hartford, Connecticut 06106–4459

Note.—Correspondence and questions concerning this State's E.O. 12372 process should be directed to:

Intergovernmental Review Coordinator, Comprehensive Planning Division, Office of Policy and Management, 80 Washington Street, Hartford, Connecticut 06106–4459, Tel. (203) 566–3410

Delaware

Executive Department, Thomas Collins Building, Dover, Delaware 19903, Attn: Francine Booth, Tel. (302) 736–4204

Florida

Ron Fahs, Executive Office of the Governor, Office of Planning and Budgeting, The Capitol, Tallahassee, Florida 32301, Tel. (904) 488–8114

Georgia

Charles H. Badger, Administrator, Georgia State Clearinghouse, 270 Washington Street, SW., Atlanta, Georgia 30334, Tel. (404) 656–3855

Hawaii

Kent M. Keith, Director, Department of Planning and Economic Development, P.O. Box 2359, Honolulu, Hawaii 96804
For Information Contact: Hawaii State Clearinghouse, Tel. (808) 548–3085 or 548–3016

Idaho

None

Illinois

Tom Berkshire, Office of the Governor, State of Illinois, Springfield, Illinois 62706, Tel. (217) 782–8639

Indiana

Ms. Susan J. Kennell, State Budget Agency, 212 State House, Indianapolis, Indiana 46204, Tel. (317) 232–5604

Iowa

Office for Planning and Programming, Capitol Annex, 523 East 12th Street, Des Moines, Iowa 50319, Tel. (515) 281–3864

Kansas

Kansas Department of Human Resources, Office of the Secretary, Attention: Judy Krueger, 401 Topeka Avenue, Topeka, Kansas 66603, Tel. (913) 296–5075

Kentucky

Kentucky State Clearinghouse, 2nd Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, Tel. (502) 564–2382

Louisiana

Michael J. Jefferson, Dept. of Urban & Community Affairs, Office of State Clearinghouse, P.O. Box 44455, Capitol Station, Baton Rouge, Louisiana 70804, Tel. (504) 925–3722

Maine

State Planning Office, Attn: Intergovernmental Review Process, State House Station #38, Augusta, Maine 04333, Tel. (207) 289–3154

Maryland

Guy W. Hager, Director, Maryland State Clearinghouse for Intergovernmental Assistance, Department of State Planning, 301 West Preston Street, Baltimore, Maryland 21201–2365, Tel. (301) 225–4490

Massachusetts

Executive Office of Communities and Development, Attn: Beverly Boyle, 100 Cambridge Street, Rm. 904, Boston, Massachusetts 02202, Tel. (617) 727–3253

Michigan

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Minnesota

Maurice D. Chandler, Coordinator, Intergovernmental Review, Minnesota State Planning Agency, Capitol Square Bldg., Rm. 101, 550 Cedar St., St. Paul, Minnesota 55101, Tel. (612) 296–2571

Mississippi

Office of Federal State Programs, Department of Planning and Policy, 2000 Walter Sillers Bldg., 500 High Street, Jackson, Mississippi 39202
For Information Contact: Mr. Marlan Baucum, Department of Planning and Policy, Tel. (601) 359–3150

Missouri

Lois Pohl, Coordinator, Missouri Federal Assistance Clearinghouse, Office of Administration, Division of General Services, P.O. Box 809, Room 760, Truman Building, Jefferson City, Missouri 65102, Tel. (314) 751–4834

Montana

Sue Heath, Intergovernmental Review Clearinghouse, c/o Office of the Lieutenant Governor, Capitol Station, Helena, Montana 59620, Tel. (406) 444–5522

Nebraska

Policy Research Office, P.O. Box 94601, State Capitol, Rm. 1321, Lincoln, Nebraska 68509, Tel. (402) 471–2414

Nevada

Ms. Linda A. Ryan, Director, Office of Community Services, Capitol Complex, Carson City, Nevada 89710, Tel. (702) 885–4420

Note.—Correspondence and questions concerning this State's E.O. 12372 process should be directed to:

John Walker, Clearinghouse Coordinator, Tel. (702) 885–4420

New Hampshire

David G. Scott, Acting Director, New Hampshire Office of State Planning, 2½ Beacon Street, Concord, New Hampshire 03301, Tel. (603) 271–2155

New Jersey

Mr. Barry Skokowski, Director, Division of Local Governmental Services, Department of Community Affairs, CN 803, 363 West State Street, Trenton, New Jersey 08625–0803, Tel. (609) 292–6613

Note.—Correspondence and questions concerning this State's E.O. 12372 process should be directed to:

Nelson S. Silver, State Review Process, Division of Local Government Services—CN 803, Trenton, New Jersey 08625–0803, Tel. (609) 292–9025

New Mexico

Peter C. Pence, Director, Dept. of Finance and Administration, Management and Contracts Review Division, Clearinghouse Bureau, Room 424, State Capitol, Santa Fe, New Mexico 87503, Tel. (505) 827–3885

New York

Director of the Budget, New York State

Note.—Correspondence and questions concerning the State's E.O. 12372 process should be directed to:

New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, Tel. (518) 474–1605

North Carolina

Mrs. Chrys Baggett, Director, State Clearinghouse, Department of Administration, 116 West Jones Street, Raleigh, North Carolina 27611, Tel. (919) 733–4131

North Dakota

Office of Intergovernmental Assistance, Office of Management and Budget, 14th Floor, State Capitol, Bismarck, North Dakota 58505, Tel. (701) 224–2094

Ohio

State Clearinghouse, Office of Budget and Management, 30 East Broad Street, Columbus, Ohio 43215
For Information Contact: Mr. Leonard E. Roberts, Deputy Director, Tel. (614) 466–0699

Oklahoma

Dan Strain, Office of Federal Assistance Management, 4545 North Lincoln Blvd., Oklahoma City, Oklahoma 73105, Tel. (405) 528–8200

Oregon

Intergovernmental Relations Division, State Clearinghouse,
Attn: Delores Streeter, Executive Building, 155 Cottage Street, NE., Salem, Oregon 97310, Tel. (503) 373–1998

Pennsylvania

Barbara J. Gontz, Project Coordinator, Pennsylvania Intergovernmental Council, P.O. Box 11880, Harrisburg, Pennsylvania 17108, Tel. (717) 783–3700

Rhode Island

Daniel W. Varin, Chief, Rhode Island Statewide Planning Program, 265 Melrose Street, Providence, Rhode Island 02907, Tel. (404) 277–2656

South Carolina

Connie Tveidt
Danny L. Cromer, Grant Services, Office of the Governor, 1205 Pendleton Street, Rm. 477, Columbia, South Carolina 29201, Tel. (803) 758–2417

South Dakota

Commissioner, State Government Operations, Second Floor, Capitol Building, Pierre, South Dakota 57501, Tel. (605) 773–3661

Tennessee

Tennessee State Planning Office, 1800 James K. Polk Building, 505 Deaderick Street, Nashville, Tennessee 37219, Tel. (615) 741–1676

Texas

Bob McPherson, State Planning Director, Office of the Governor, P.O. Box 13561 Capitol Station, Austin, Texas 78711, Tel. (512) 475–6156

Note.—Questions concerning this state's review process should be directed to:

Intergovernmental Relations Division, Tel.: (512) 463–1778

Utah

Dale Hatch, Director, Office of Planning and Budget, State of Utah, 116 State Capitol Building, Salt Lake City, Utah 84114, Tel. (801) 533–5245

Vermont

State Planning Office, Attn: Bernie Johnson, Pavilion Office Building, 109 State Street, Montpelier, Vermont 05602, Tel. (802) 828–3326

Virginia

Shawn McNamara, Department of Housing and Community Development, 205 North 4th Street, Richmond, Virginia 23219, Tel. (804) 786–4474

Washington

Ken Black, Washington Department of Community Development, Ninth and Columbia Building, Olympia, Washington 98504, Tel. (206) 753–2200

West Virginia

Mr. Fred Cutlip, Director, Community Development Division, Governor's Office of Economic and Community Development, Building #6, Rm. 553, Charleston, West Virginia 25305, Tel. (304) 348–4010

Wisconsin

Secretary Doris J. Hanson, Wisconsin Department of Administration, 101 South Webster—GEF 2, Madison, Wisconsin 53702, Tel. (608) 266–1212

Note.—Correspondence and questions concerning this State's E.O. 12372 process should be directed to:

Thomas Krauskopf, Federal-State Relations Coordinator, Wisconsin Department of Administration, P.O. Box 7864, Madison, Wisconsin 53707, Tel. (608) 266–8349

Wyoming

Wyoming State Clearinghouse, State Planning Coordinator's Office, Capitol Building, Cheyenne, Wyoming 82002, Tel. (307) 777–7574

Virgin Islands

Toya Andrew, Federal Program Coordinator, Office of the Governor, The Virgin Islands of the United States, Charlotte Amalie, St. Thomas 00801, Tel. (809) 774–6517

District of Columbia

Loretta Davis, D.C. State Single Point of Contact for E.O. 12372, Executive Office of the Mayor, Office of Intergovermental Relations, Rm. 416, District Building, 1350 Pennsylvania Avenue, NW., Washington, D.C. 20004, Tel. (202) 727–6265

Puerto Rico

Ms. Patricia G. Custodio, P.E., Chairman, Puerto Rico Planning Board, P.O. Box 4119, Minilla Station, San Juan, Puerto Rico 00940–9985, Tel. (809) 727–4444

Northern Mariana Islands

Planning and Budget Office, Office of the Governor, Saipan, CM 96950

American Samoa

None

Guam

Guam State Clearinghouse, Office of the Lieutenant Governor, P.O. Box 2950, Agana, Guam 96910

[FR Doc. 85–30971 Filed 12–31–85; 8:45 am]
BILLING CODE 4130-01-M

Reader Aids

Federal Register

Vol. 51, No. 1

Thursday, January 2, 1986

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FEDERAL REGISTER PAGES AND DATES, JANUARY

1-188 2

LIST OF PUBLIC LAWS

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.**

Last List December 31, 1985

TABLE OF EFFECTIVE DATES AND TIME PERIODS—JANUARY 1986

This table is for determining dates in documents which give advance notice of compliance, impose time limits on public response, or announce meetings.

Agencies using this table in planning publication of their documents must allow sufficient time for printing production.

In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or a holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
January 2	January 17	February 3	February 18	March 3	April 2
January 3	January 21	February 3	February 18	March 4	April 3
January 6	January 21	February 5	February 20	March 7	April 7
January 7	January 22	February 6	February 21	March 10	April 7
January 8	January 23	February 7	February 24	March 10	April 8
January 9	January 24	February 10	February 24	March 10	April 9
January 10	January 27	February 10	February 24	March 11	April 10
January 13	January 28	February 12	February 27	March 14	April 14
January 14	January 29	February 13	February 28	March 17	April 14
January 15	January 30	February 14	March 3	March 17	April 15
January 16	January 31	February 18	March 3	March 17	April 16
January 17	February 3	February 18	March 3	March 18	April 17
January 21	February 5	February 20	March 7	March 24	April 21
January 22	February 6	February 21	March 10	March 24	April 22
January 23	February 7	February 24	March 10	March 24	April 23
January 24	February 10	February 24	March 10	March 25	April 24
January 27	February 11	February 26	March 13	March 28	April 28
January 28	February 12	February 27	March 14	March 31	April 28
January 29	February 13	February 28	March 17	March 31	April 29
January 30	February 14	March 3	March 17	March 31	April 30
January 31	February 18	March 3	March 17	April 1	May 1

CFR ISSUANCES 1985
Complete Listing of 1985 Editions and Projected January, 1986 Editions

This list sets out the CFR issuances for the 1985 editions and projects the publication plans for the **January, 1986** quarter. A projected schedule that will include the **April, 1986** quarter will appear in the first **Federal Register** issue of April.

For pricing information on available 1985-1986 volumes consult the CFR checklist which appears every Monday in the Federal Register.

Pricing information is not available on projected issuances. Individual announcements of the actual release of volumes will continue to be printed in the **Federal Register** and will provide the price and ordering information. The weekly CFR checklist or the monthly List of CFR Sections Affected will continue to provide a cumulative list of CFR volumes actually printed.

Normally, CFR volumes are revised according to the following schedule:

Titles 1-16—January 1
Titles 17-27—April 1
Titles 28-41—July 1
Titles 42-50—October 1

All volumes listed below will adhere to these scheduled revision dates unless a notation in the listing indicates a different revision date for a particular volume.

*Indicates volume is still in production.

Titles revised as of January 1, 1985:

Title	
CFR Index	200-End
1-2 (Revised as of Apr. 1, 1985)	
	10 Parts:
3 (Compilation)	0-199
	200-399
4	400-499
	500-End
5 Parts:	
1-1199 (Revised as of Oct. 1, 1985)	**11**
1200-End	**12 Parts:**
	1-199
6 [Reserved]	200-299
	300-499
7 Parts:	500-End
0-45	
46-51	**13**
52	
53-209	**14 Parts:**
210-299	1-59
300-399	60-139
400-699	140-199
700-899	200-1199 (Revised as of Feb. 1, 1985)
900-999	1200-End
1000-1059	
1060-1119	
1120-1199	**15 Parts:**
1200-1499	0-299
1500-1899	300-399
1900-1944	400-End
1945-End	
	16 Parts:
8	0-149
	150-999
9 Parts:	1000-End
1-199	

Titles revised as of April 1, 1985:

Title	
17 Parts:	240-End
1-239	
18 Parts:	0-199
1-149	200-499
150-399	500-699
400-End	700-1699
	1700-End
19	
	25
20 Parts:	
1-399	**26 Parts:**
400-499	1 (§§ 1.0-1-1.169)
500-End	1 (§§ 1.170-1.300)
	1 (§§ 1.301-1.400)
21 Parts:	1 (§§ 1.401-1.500)
1-99	1 (§§ 1.501-1.640) (Cover only)
100-169	1 (§§ 1.641-1.850)
170-199	1 (§§ 1.851-1.1200)
200-299	1 (§§ 1.1201-End)
300-499	2-29
500-599	30-39
600-799	40-299
800-1299	300-499
1300-End	500-599 (Cover only)
	600-End
22	
	27 Parts:
23	1-199
	200-End
24 Parts:	

Titles revised as of July 1, 1985:

Title	
28	300-399
	400-End
29 Parts:	
0-99	**35**
100-499	
500-899	**36 Parts:**
900-1899	1-199
1900-1910	200-End
1911-1919 (Cover only)	
1920-End	**37**
30 Parts:	**38 Parts:**
0-199	0-17
200-699	18-End
700-End	
	39
31 Parts:	
0-199	**40 Parts:**
200-End	1-51
	52
32 Parts:	53-80
1-189	81-99
190-399	100-149
400-629	150-189
630-699 (Cover only)	190-399
700-799	400-424
800-999	425-699
1000-End	700-End
33 Parts:	**41 Parts:**
1-199	1-100
200-End	Ch. 101
	Chs. 102-200
34 Parts:	Chs. 201-End
1-299	

Titles Revised as of October 1, 1985:

Title	
42 Parts:	
1-60	**43 Parts:**
61-399	1-999
400-429*	1000-3999
430-End*	4000-End

44

45 Parts:
1–199
200–499
500–1199
1200–End

46 Parts:
1–40
41–69
70–89
90–139
140–155
156–165
166–199
200–499
500–End

47 Parts:
0–19*
20–69*
70–79*
80–End*

48 Parts:
Ch. 1 (1–51)*
Ch. 1 (52–99)
Ch. 2*
Chs. 3–6*
Chs. 7–14*
Chs. 15–End*

49 Parts:
1–99
100–177 (Revised as of Nov. 1, 1985)*
178–199 (Revised as of Nov. 1, 1985)*
200–399
400–999*
1000–1199
1200–1299
1300–End

50 Parts:
1–199*
200–End*

Projected January 1, 1986 editions:

Title

CFR Index

1–2

3 (Compilation)

4

5 Parts:
1–1199
1200–End

6 [Reserved]

7 Parts:
0–45
46–51
52
53–209
210–299
300–399
400–699
700–899
900–999
1000–1059
1060–1119
1120–1199
1200–1499
1500–1899
1900–1944
1945–End

8

9 Parts:
1–199
200–End

10 Parts:
0–199
200–399
400–499
500–End

11

12 Parts:
1–199
200–299
300–499
500–End

13

14 Parts:
1–59
60–139
140–199
200–1199
1200–End

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