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Federal Register

Tuesday
April 22, 1986

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

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Veterans Administration

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Environmental Protection Agency

Airports
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Chemicals
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Environmental Impact Statements
Federal Communications Commission

Government Procurement
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Defense Department
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Selected Subjects

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How To Cite This Publication: Use the volume number and the page number. Example: 51 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.

DALLAS, TX

WHEN: April 23; at 1:30 pm.

WHERE: Room 7A23,
Earl Cabell Federal Building,
1100 Commerce Street, Dallas, TX.

RESERVATIONS: local numbers:
Dallas 214-767-8585
Ft. Worth 817-334-3624
Austin 512-472-5494
Houston 713-229-2552
San Antonio 512-224-4471,
for reservations

WASHINGTON, DC

WHEN: May 15; at 9 am.

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

RESERVATIONS: Laurence Davey 202-523-3517

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Presidential Documents

Title 3—

The President

Proclamation 5462 of April 18, 1986

National Garden Week, 1986

By the President of the United States of America

A Proclamation

During spring, the season of renewal, millions of Americans turn joyfully to gardening.

America's gardens produce an abundance of fruits and vegetables to enliven our tables and a stunning variety of flowers and shrubs brighten our lives with their beauty.

Gardening is a wholesome avocation that encourages appreciation for nature and concern for the preservation and enhancement of our environment. It prompts a genuine respect for those who work in agriculture today. Gardening, above all, provides a special source of fulfillment when foresight, patience, and collaboration with soil and sunlight finally are repaid by lovely flowers and luscious harvests.

The Congress, by Senate Joint Resolution 136, has authorized and requested the President to issue a proclamation designating the week beginning April 13, 1986, as "National Garden Week."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning April 13, 1986, as National Garden Week, and I call upon all Federal, State and local governments, private organizations, and all Americans to join in educational efforts, ceremonies, and other appropriate activities to show our appreciation for the efforts and contributions of gardeners.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of April, in the year of our Lord nineteen hundred and eighty-six, and of the Independence of the United States of America the two hundred and tenth.

Ronald Reagan

[FR Doc. 86-9090
Filed 4-18-86; 4:14 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 5463 of April 19, 1986

Education Day, U.S.A., 1986

By the President of the United States of America

A Proclamation

From earliest colonial days, Americans have always known that education is the golden key that opens the door to achievement and progress. This Administration has placed renewed emphasis on excellence in education, and already the results are encouraging. By setting high standards we challenge the young to stretch their mental muscles and strive to achieve the best that is in them. Such an education succeeds because it makes learning an adventure.

Education is like a diamond with many facets: it includes the basic mastery of numbers and letters that give us access to the treasury of human knowledge, accumulated and refined through the ages; it includes technical and vocational training as well as instruction in science, higher mathematics, and humane letters. But no true education can leave out the moral and spiritual dimensions of human life and human striving. Only education that addresses this dimension can lead to that blend of compassion, humility, and understanding that is summed up in one word: wisdom.

"Happy the man," Scripture tells us, "who finds wisdom. . . . Her ways are ways of pleasantness, and all her paths are peace. She is a tree of life to those who come to possess her."

The Congress has sought to call attention to these durable values by adopting resolutions that pay tribute to the example of Rabbi Menachem Mendel Schneerson, a man who has dedicated his life to the search for wisdom and to guiding others along its pathways. He exemplifies the rich tradition of the Seven Noahide Laws, which have been the lodestar of the Lubavitch movement from its inception.

In recognition of Rabbi Schneerson's noble achievements and in celebration of his 84th birthday, the Congress, by House Joint Resolution 582, has designated April 20 as "Education Day, U.S.A." and authorized and requested the President to issue an appropriate proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim Sunday, April 20, 1986, as Education Day, U.S.A., and I call upon the people of the United States, and in particular our teachers and other educational leaders, to observe that day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of April, in the year of our Lord nineteen hundred and eighty-six, and of the Independence of the United States of America the two hundred and tenth.

Ronald Reagan

[FR Doc. 86-9124
Filed 4-21-86; 10:26 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 1001

Employee Responsibilities and Conduct; Safeguarding the Examination Process

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is amending its internal regulations at 5 CFR 1001.735–206(a) to require OPM employees to notify their supervisors when they intend, or someone close to them intends, to take an Armed Services entrance examination. These regulations will further safeguard the examination process by adding the Armed Service entrance examination to our current regulations.

EFFECTIVE DATE: May 22, 1986.

FOR FURTHER INFORMATION CONTACT: Stuart D. Rick, Attorney, Office of the General Counsel, Office of Personnel Management. (202) 632–7746.

SUPPLEMENTARY INFORMATION: In our current internal regulations setting forth standards of conduct and ethics for OPM employees, there is a provision pertaining to the safeguarding of the examination process. Because some OPM employees take part in the construction of written tests, or have access to test material, or are involved in the examination rating process, all OPM employees are required to notify their supervisors when they intend to file for a competitive examination or an internal noncompetitive examination, or when they know that a close relative, a household member, or a roommate intends to take a competitive examination. In this manner, appropriate measures can be taken when necessary to ensure test security.

Certain OPM employees now have access to Department of Defense entrance examination material. An unfair advantage could occur if these employees were to take the examination, or if they were to pass along information about the examination to other persons. Therefore, these regulations will also require supervisory notification by employees planning to take an Armed Service entrance exam.

Implementation of OPM regulations is subject to 5 U.S.C. 1103(b) and 1105; specifically excluded from this process are regulations that apply solely to OPM or its employees. Likewise, the regulations of an agency that are solely internal in applicability are not subject to Executive Order 12291, Federal Regulation; or the Regulatory Flexibility Act.

List of Subjects in 5 CFR Part 1001

Conflict of interests; Government employees.

Office of Personnel Management.

Constance Horner,

Director.

Accordingly, the Office of Personnel Management is amending 5 CFR Part 1001 as follows:

PART 1001—EMPLOYEE RESPONSIBILITIES AND CONDUCT

1. The authority citation for Part 1001 is revised to read as set forth below and the authority citation following Section 1001.735–203 is removed:

Authority: E.O. 11222, 30 FR 6469, 3 CFR 1964–65 Comp. p. 306; 5 CFR 735.101 et seq.; Section 1001.735–203 also issued under Pub. L. 95–454; Reorganization Plan No. 2 of 1978.

2. In § 1001.735–206, paragraph (a) is revised to read as follows:

§ 1001.735–206 Safeguarding the examination process.

(a) An employee shall notify his supervisor when he intends to file for a competitive examination, an internal noncompetitive examination, or an Armed Services entrance examination. He must give similar notice if he knows that a close relative, a member of his household, or a roommate intends to take any one of these examinations.

* * * * *

[FR Doc. 86–8950 Filed 4–21–86; 8:45 am]
BILLING CODE 6325–01–M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 101

[Revision 2; Amdt. 43]

SBA Seal

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This final rule reflects the authority for the Inspector General to use the SBA seal. The Inspector General is among those SBA officials authorized to certify and authenticate as true, originals and copies of any books, records, papers or other documents on file within the SBA.

EFFECTIVE DATE: April 22, 1986.

FOR FURTHER INFORMATION CONTACT: Cleo Verbillis, Acting Chief, Records and Micrographics Management Section, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416. Telephone No. (202) 653–6446.

SUPPLEMENTARY INFORMATION: Part 101 consists of rules to the Agency's organization and procedures; therefore, notice of proposed rulemaking and public participation therein as prescribed in 5 U.S.C. 553 are not required and this amendment to Part 101 is adopted without resort to those procedures.

List of Subjects in 13 CFR Part 101

Authority delegations (Government agencies), Administrative practice and procedures, Organization and functions (Government agencies).

PART 101—(AMENDED)

For the reason set forth in the preamble and pursuant to authority in section 5(b)(6) of the Small Business Act, 15 U.S.C. 634, Part 101 is amended as set forth below:

The authority citation for 13 CFR 101 continues to read as follows:

Authority: Secs. 4 and 5, Pub. L. 85–536, 72 Stat. 384 and 385 (15 U.S.C. 633 and 634, as amended); sec. 308, Pub. L. 85–699, 72 Stat. 694 (15 U.S.C. 687, as amended); sec. 5(b)(11), Pub. L. 93–386 (Aug. 23, 1974); and 5 U.S.C. 552, unless otherwise noted.

2. § 101.5 is revised to read as follows:

§ 101.5 Seal.

The Administrator, Assistant Administrator for Administration, Inspector General, Regional and District

Directors, and Branch Managers are authorized to certify and authenticate as true, originals and copies of any books, records, papers, or other documents on file within the Small Business Administration; to certify and authenticate as true, originals, and copies of extracts from such material; to certify and authenticate as true, originals and copies of extracts from such material; to certify the nonexistence of records on file; and to cause the Seal of the Small Business Administration to be affixed to all such certifications for all purposes, including the purposes authorized by 28 U.S.C. 1733. This authority applies to any books, records, papers, or other documents on file within their respective jurisdictions.

Dated: April 9, 1986.

Charles L. Heatherly,

Acting Administrator.

[FR Doc. 86-8741 Filed 4-21-86; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

DEPARTMENT OF THE INTERIOR

Office of Territorial and International Affairs

15 CFR Part 303

[Docket No. 51185-6041]

Limit on Duty-Free Insular Watches in Calendar Year 1986

AGENCY: Import Administration, International Trade Administration, Department of Commerce; Office of Territorial and International Affairs, Department of the Interior.

ACTION: Final rule.

SUMMARY: This action establishes the total quantity of duty-free insular watches and watch movements for 1986 at 6,500,000 units and divides this amount among the three insular possessions of the United States and the Northern Mariana Islands. We have done this by amending § 303.14(e), which now permits a total of only 5,500,000 units distributed among the three insular possessions and the Northern Mariana Islands.

EFFECTIVE DATE: April 22, 1986.

FOR FURTHER INFORMATION CONTACT: Faye Robinson, (202) 377-1660.

SUPPLEMENTARY INFORMATION: We published these revisions in proposed form on January 13, 1986 (51 FR 1386) and invited comments. Although we did not receive any comments, a relevant new circumstance arose during the comment period. We received an application for a new entrant allocation from a firm wishing to start production in the Virgin Islands. To provide for this development while reserving a portion for other potential new entrant applications this year, we have decided to raise the final quantity from the proposed amount of 4,000,000 to 4,500,000 units for the Virgin Islands and the amount for all four territories from 6,000,000 to 6,500,000.

Accordingly, we are establishing for calendar year 1986 a total quantity and respective territorial shares as shown in the following table:

Virgin Islands	4,500,000
Guam	1,000,000
American Samoa	500,000
Northern Mariana Islands	500,000
Total	6,500,000

We find that it is in the public interest to make this rule effective immediately for the following reasons: (1) The existing amount of the duty-exemption for the Virgin Islands is 3,500,000 units. (2) The total allocations to be made to existing firms and to the new entrant firm under this rule exceed 3,500,000 units. Thus, this rule relieves a restriction and is exempt from the delayed effectiveness requirement of the Administrative Procedure Act, 5 U.S.C. 553(d)(1).

In accordance with Executive Order 12291 dated February 17, 1981, the Departments of Commerce and the Interior have determined that this rule does not constitute a "major rule" as defined by section 1(b) of the Order. It is not likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Therefore, preparation of a Regulatory Impact Analysis is not required.

This regulation was submitted to the Office of Management and Budget for review, as required by Executive Order 12291.

In accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., the General Counsel of the Department of Commerce has certified that this action will not have a significant economic impact on a substantial number of small entities. Fewer than ten entities are directly affected by this action. The commercial benefits of the program governed by these regulations, for entities both directly and indirectly affected, are less ten $10 million per year.

This rule does not contain information collection requirements subject to the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

List of Subjects in 15 CFR Part 303

Imports, Customs duties and inspection, Watches and jewelry, Marketing quotas, Administrative practice and procedure, Reporting and recordkeeping requirements, American Samoa, Guam, Virgin Islands, Northern Mariana Islands.

PART 303—[AMENDED]

For reasons set forth above, we amend Part 303 as follows:

1. The authority citation for Part 303 continues to read as follows:

Authority: Pub. L. 97-446, 96 Stat. 2329 (19 U.S.C. 1202); Pub. L. 94-241, 90 Stat. 263 (48 U.S.C.A. 1681, note).

2. Section 303.14 is amended by revising paragraph (e).

§ 303.14 Allocation factors and miscellaneous provisions.

* * * * *

(e) *Territorial shares.* The shares of the total duty exemption are 4,500,000 for the Virgin Islands, 1,000,000 for Guam, 500,000 for American Samoa, and 500,000 for the Northern Mariana Islands.

Dated: April 15, 1986.

Kittie J. Baier,

Deputy Assistant Secretary for Territorial and International Affairs.

John L. Evans,

Deputy to the Deputy Assistant Secretary for Import Administration.

[FR Doc. 86-8935 Filed 4-21-86; 8:45 am]

BILLING CODE 3510-DS, 4310-10-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-23115; File No. S7-41-85]

Amendment Relating to the Options Disclosure Document

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission announced today the adoption of an amendment to Rule 9b–1 under the Securities Exchange Act of 1934 which deletes from the Rule the requirement that an options disclosure document contain information regarding the uses of the options classes covered by the document. The amendment is designed to make the disclosure provided investors regarding standardized options less lengthy and complex, thereby focusing investor attention on the risk disclosure aspects of the document.

EFFECTIVE DATE: The amendment becomes effective on May 1, 1986.

FOR FURTHER INFORMATION CONTACT: Holly Hasley Smith, Esq., (202) 272–2415, Division of Market Regulation, 450 Fifth Street, NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission ("Commission") announced today the adoption of an amendment to Rule 9b–1 ("Rule") under the Securities Exchange Act of 1934 ("Act") [1] which eliminates paragraph (c)(4) from the Rule, thereby making it unnecessary to include discussions concerning the uses of standardized options in an options disclosure document. In addition, the Commission is clarifying the meaning of paragraphs (c) (6), (7) and (8) of the Rule, which require the disclosure document to contain information regarding, respectively, transaction costs, margin requirements and the tax consequences of options trading.

I. Discussion

The Commission received two letters in response to its request for comments on the proposal to delete from Rule 9b–1 the requirement that an options disclosure document contain information regarding the uses of the options classes covered by the document.[2] Both commentators support the proposal and believe it will have a positive effect on investor understanding of standardized options trading. In addition, one commentator suggested Rule 9b–1 further be amended to require that a "brief reference" to transaction costs, margin requirements and tax consequences be included in disclosure documents prepared under the Rule.

[1] 17 CFR 240.9b–1 (1985).

[2] Securities Exchange Act Release No. 22419 (September 17, 1985), 50 FR 38673 ("Proposal Release").

A. Deletion of the Uses Requirement

Rule 9b–1 originally was adopted in 1982 in an effort to foster better investor understanding of standardized options trading and reduce the burdens on registrants and others of complying with the registration requirements of the Securities Act of 1933 ("Securities Act").[3] Specifically, the Commission believed that the development of an options disclosure document would provide investors with information concerning options trading in a manner easily understandable by investors lacking a technical or financial background. Since the adoption of Rule 9b–1, the Commission has noted, in the Proposal Release, that the options markets have developed to the point where a generalized discussion of the "uses" of options in a disclosure document is unnecessary because the various options markets and broker-dealers undertake to inform investors of the "uses" of options as part of their ongoing marketing efforts.[4] Accordingly, the Commission proposed to delete the "uses" discussion requirement in an effort to further streamline the disclosure document and further the Commission's goal of providing investors with adequate disclosure of the risks of options trading in a readily understandable format. Indeed, the most recent edition of the options disclosure document, published in September 1985 and entitled "Characteristics and Risks of Standardized Options," does not contain detailed description of the uses of the various options covered by the document which were included in previous editions.[5]

Both commentators support the deletion of the "uses" requirement from the Rule. The OCC, which has participated in the preparation of standardized options registration materials and options disclosure documents since 1973, states that in its opinion the elimination of the uses discussions has had the positive effect of making the discussions concerning the risks of options trading more prominent "than when these statements were juxtaposed with descriptions of various uses." [6] In addition, the OCC points out that the "uses" discussions previously included in the disclosure documents were of necessity elementary, due to the size and level of complexity appropriate to a document designed for mass distribution. Another commentator, the American Bar Association ("ABA"), states that the multiplicity of disclosure documents which have been produced in recent years to explain the risks and uses of each new options product "has tended to confuse, distract and deter investors from reading the document." [7] Both the ABA and the OCC point out that, since 1982, when Rule 9b–1 was adopted, numerous alternative sources of information concerning the uses of options have become widely available to options investors, thereby obviating the need to include detailed discussions of a myriad of options strategies in the disclosure document.

The Commission continues to believe that the elimination of the "uses" requirement from Rule 9b–1 will benefit public investors by focusing increased attention on the risk disclosure aspects of the document, and will also prove less burdensome on the options markets and the OCC, who currently share responsibility for preparing the document. Accordingly, the Commission is amending the Rule as proposed.[8]

B. Treatment of Transaction Costs, Margin Requirements and Tax Consequences

Rule 9b–1 currently requires that, with respect to the options classes covered by the document, an options disclosure document must contain information regarding the transaction costs, margin requirements and tax consequences of options trading. In its comment letter, the OCC suggests that the Rule be amended to provide that only a "brief reference" to these items be included in disclosure documents prepared under the Rule. In OCC's view, this requirement would be satisfied by disclosure providing at a minimum a

[3] Proposal Release, *supra* note 2, 50 FR at 38674.

[4] In addition, Rule 134a of the Securities Act requires that any written materials relating to standardized options make a balanced, explanatory presentation of information concerning any option strategy addressed in the material, in order for the material not to be deemed a prospectus.

[5] In connection with proposing that Rule 9b–1 be amended, the Commission exempted the Options Clearing Corporation ("OCC") and the options markets from the uses requirement of the Rule prior to the distribution of the 1985 edition of the document. *See* Securities Exchange Act Release No. 22418 (September 17, 1985), 50 FR 38732.

[6] *See* letter from Marc L. Berman, Executive Vice President, General Counsel and Secretary, OCC, to John Wheeler, Secretary, SEC, dated October 8, 1985 ("OCC Letter").

[7] *See* letter from Richard M. Phillips, Chairman, Federal Regulation of Securities Committee, and Mahlon M. Frankhauser, Chairman, Subcommittee on Financial Futures and Options, American Bar Association, to John Wheeler, Secretary, SEC, dated October 22, 1985, at 2.

[8] Of course, because paragraph (c)(3) of the Rule continues to require that an options disclosure document discuss "[t]he risks of trading the options", such a document will continue to involve some discussion of "uses" but only to the extent necessary to make the risk discussion required by paragraph (c)(3) understandable.

statement expressing the significance of the subject to options investors, noting any impact on the economic consequences of options trading and containing a generic description of sources from which additional detailed information may be obtained. The OCC notes that this limited type of disclosure is all that has ever been provided by the disclosure documents, and believes that the amendment is appropriate "in order to eliminate any unintended implication that more detailed disclosure of these complicated and frequently changing subjects is required." [9]

The Commission believes that the clarification suggested by the OCC is consistent with the intended purpose of the Rule. In 1982, when the Commission initially proposed the adoption of Rule 9b–1, it addressed the issue of how detailed the discussions should be with regard to each of the items enumerated in paragraph (c) of the Rule. The Commission stated that information which would not change materially over time "should be described with particularity," but other information, "such as . . . margin requirements, . . . which may change with frequency, can be described generically." [10] With regard to this latter type of information, the Commission stated:

> usually it would be sufficient for an options market to disclose that there are exchange rules or other provisions relating to these subjects and that interested investors may obtain information concerning current specific standards or restrictions from their broker-dealer.[11]

Regarding the tax consequences of options trading, the Commission balanced "the need for tax disclosure with the goal of producing a simplified document that [does not] require . . . frequent updating".[12] Accordingly, when the Commission adopted Rule 9b–1, it concluded that the document need contain only a generic description of the tax consequences of options trading, noting that "tax treatment is always relevant and often critical to the success or failure of a particular options strategy".[13] The Commission stated that the document should reference the fact that different tax treatment may result from different dispositions of options positions and, with respect to call writers, whether the writer is covered or uncovered. Finally, the Commission found that the document should inform investors of the importance of consulting with their tax advisers.[14]

Although the 1982 releases do not specifically address the subject of transaction costs,[15] the Commission notes that transaction costs, like margin and taxes, are both subject to change and difficult in a document of general circulation to describe with particularity. The disclosure documents have historically discussed these subjects in a generic manner. The Commission therefore believes that it is appropriate for the disclosure document to treat this subject in a manner similar to the discussions of margin requirements and tax consequences. Accordingly, the Commission is amending the Rule to provide that the document need contain only a "brief reference" to the transaction costs, margin requirements and tax consequences of options trading. The term "brief reference" shall include, but shall not be limited to, the disclosures discussed above. Because the language changes regarding transaction costs, margin requirements and tax consequences merely clarify the Commission's original intent with regard to the Rule and reflect actual practice thereunder, the Commission does not believe that publication of the Rule for additional notice and comment is necessary.

II. Regulatory Flexibility Act Certification

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Chairman of the Commission has certified that the amendment deleting the "uses" requirement from paragraph (c)(4) of the rule proposed herein will not have a significant economic impact on a substantial number of small entities. The Commission did not receive any comments concerning the Chairman's certification. The other amendments to the Rule that are adopted herein do not affect the basis of the certification.

List of subjects in 17 CFR Part 240

Reporting and recordkeeping requirements, Securities.

III. Text of Final Amendment

Title 17, Chapter II of the *Code of Federal Regulations* is amended as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. The authority for Part 240 is amended by adding the following citations: (citations before * * * indicate general rulemaking authority)

Authority: Sec. 23, 48 Stat. 901, as amended; 15 U.S.C. § 78w, unless otherwise noted. * * * § 240.9b–1 is also issued under (Sec. 2, 7, 10, 19(a), 48 Stat. 74, 78, 81, 85; secs. 201, 205, 209, 120, 48 Stat. 905, 906, 908; secs. 1–4, 8, 68 Stat. 683, 685; sec. 12(a), 73 Stat. 143; sec. 7(a), 74 Stat. 412; sec. 27(a), 84 Stat. 1433; sec. 308(a)(2), 90 Stat. 57; sec. 505, 94 Stat. 2292; secs. 9, 15, 23(a), 48 Stat. 889, 895, 901; sec. 230(a), 49 Stat. 704; secs. 3, 8, 49 Stat. 1377, 1379; sec. 2, 52 Stat. 1075; secs. 6, 10, 78 Stat. 570–574, 580; sec. 11(d), 84 Stat. 121; sec. 18, 89 Stat. 155; sec. 204, 91 Stat. 1500; 15 U.S.C. 77b, 77g, 77j, 77s(a), 78i, 78o, 78w(a))

2. By amending § 240.9b–1 as follows:

(a) Deleting paragraphs (c) (4), (6), (7), and (8)

(b) Redesignating paragraph (c)(5) as (c)(4)

(c) Revising new paragraph (c)(5) to read as follows:

§ 240.9b–1 Options disclosure document.

* * * * *

(c) * * *

(5) A brief reference to the transaction costs, margin requirements and tax consequences of options trading;

* * * * *

(d) Redesignating paragraphs (c)(9)–(c)(12) as paragraphs (c)(6)–(c)(9).

By the Commission.

Dated: April 10, 1986.

John Wheeler,

Secretary.

[FR Doc. 86–8967 Filed 4–21–86; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 37

[Docket No. RM85–19–000]

Generic Determination of Rate of Return on Common Equity for Public Utilities

April 16, 1986.

AGENCY: Federal Energy Regulatory Commission.

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[9] OCC Letter, *supra* note 6, at 2.

[10] *See* Securities Exchange Act Release No. 18836 (June 24, 1982), 47 FR 28688 at 28691.

[11] Id.

[12] *See* Securities Exchange Act Release No. 19055 (September 16, 1982), 47 FR 41950 at 41953.

[13] *Id.*

[14] *Id.*

[15] The Commission notes, however, that the Options Study, which recommended the development of a simplified disclosure document, included transactions costs, with margin and taxes, as one of the items appropriate for a "simplified discussion." *See* SEC, *Report of the Special Study of the Options Market*, 96th Cong., 1st Sess., (Comm. Print No. 96–IFC3, 1979) at 46 and 381.

ACTION: Final rule, update to Benchmark Rate of Return on Common Equity for Public Utilities.

SUMMARY: In accordance with § 37.5, the Commission issues the update to the "advisory" benchmark rate of return on common equity applicable to rate filings made during the period May through July 1986. This rate is set at 12.89 percent.

EFFECTIVE DATE: May 1, 1986.

FOR FURTHER INFORMATION CONTACT: Ronald L. Rattey, Office of Regulatory Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426 (202) 357–8293.

SUPPLEMENTARY INFORMATION:

Generic Determination of Rate of Return on Common Equity for Public Utilities; Benchmark Rate of Return of Common Equity for Public Utilities

April 16, 1986

On December 26, 1985, the Commission issued a final rule which amended the quarterly indexing procedure for establishing and updating the benchmark rate of return on common equity applicable to electric rate filings.[1] Based on this amended procedure, the Commission determines that the benchmark rate of return on common equity applicable to rate filings made during the period May 1 through July 31, 1986 is 12.89 percent.

According to the amended § 37.9, the quarterly benchmark rates of returns are set equal to ratemaking rates of return on common equity [2] subject to a 50 basis point limitation on the quarter-to-quarter changes. The ratemaking rates of return used in establishing the quarterly benchmarks are based on the average of the median dividend yield for the two most recent calendar quarters for a sample of 100 utilities and are calculated through a three step process. First, given the dividend yield value, the average effective required rate of return on common equity is determined using a particular discounted cash flow model. Second, an adjustment is made to this effect required rate to reflect industry average annual flotation costs and obtain an estimate of the industry average cost of common equity. Finally, this cost estimate is adjusted through a formula that reflects the manner in which the rate base is determined for the cost of service to obtain the average ratemaking rate of return.

The median dividend yield for the sample of utilities for the last quarters of 1985 and the first quarter of 1986 are 8.92 and 7.82 percent, respectively, for an average of 8.37 percent. Using the latter yield produces an average effective required rate of return on common equity of 13.47 percent, an average cost of common equity of 13.51 percent, and an average ratemaking rate of return on common equity of 12.74 percent.[3] Since this is the second quarter to which the results of the annual proceeding are applicable, the change in the benchmark rate of return is subject to the 50 basis point gap. Thus the Commission finds the benchmark rate of return applicable to rate filings made from May 1, 1986 through July 31, 1986 is 12.89 percent. The attached appendix provides the underlying data on dividends and market prices supporting this update.

Generally, a rule becomes effective not less than 30 days after it is published in the **Federal Register.** A rule may become effective sooner if the agency finds that there is good cause to do so. 5 U.S.C. 553(d) (1982). The Commission finds good cause to make this rule effective May 1, 1986. Specifically, this notice is intended to supplement the generic rate of return rule announced in Order No. 442, issued December 26, 1985 and effective on February 1, 1986, by applying the method adopted in that rule to data which was not available. In addition, the benchmark rate of return established by this rule is effective on an advisory basis only.

List of Subjects contained in 18 CFR Part 37

Electric power rates, Electric utilities, Rate of return.

In consideration of the foregoing, the Commission revises Chapter I, Title 18 of the *Code of Federal Regulations,* as set forth below, effective May 1, 1985.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

PART 37—[AMENDED]

1. The authority citation for Part 37 continues to read as follows:

Authority: Federal Power Act, 16, U.S.C. 791a–825r (1982); Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982).

2. In paragraph (d) of § 37.9, the table is revised to read as follows:

§ 37.9 Quarterly Indexing Procedure.

* * * * *

(d) * * *

Benchmark applicability period (t)	Expected dividend growth (g)	Flotation cost adjustment (f)	Current dividend yield (Y_d)	Average ratemaking rate of return (r_t)	Benchmark rate of return
2/1/86 to 4/30/86	.045	.0004	.0903	.1339	.1339
5/1/86 to 7/31/86	.045	.0004	.0837	.1274	.1289
8/1/86 to 10/31/86	.045	.0004			
11/1/86 to 1/31/87	.045	.0004			

Note.—The following Appendix will not appear in the Code of Federal Regulations.

Appendix

Exhibit No. and Title

1 Initial Sample of Utilities
2 Utilities Excluded From the Sample for the Indicated Quarters due to Either Zero Dividends or a Cut in Dividends for Those Quarters or the Prior Three Quarters
3 Quarterly Dividend Yields for the Indicated Quarters for Utilities Retained in the Sample

Source of Data: Standard and Poor's Compustat Services Inc., Utility COMPUSTAT® II Quarterly Data Base.

EXHIBIT 1.—INITIAL SAMPLE OF UTILITIES

Utility	Ticker symbol
Allegheny Power System	AYP
American Electric Power	AEP
Atlantic City Electric	ATE
AZP Group Inc	AZP
Baltimore Gas & Electric	BGE
Black Hills Power & Light Co	BHP
Boston Edison Co	BSE
Carolina Power & Light	CPL
Central & South West Corp	CSR
Central Hudson Gas & Elec	CNH
Central Ill Public Service	CIP
Central Louisiana Electric	CNL
Central Main Power Co	CTP
Central Vermont Pub Serv	CV
Cilcorp Inc	CER
Cincinnati Gas & Electric	CIN
Cleveland Electric Illum	CVX
Commonwealth Edison	CWE
Commonwealth Energy System	CES
Consolidated Edison of NY	ED
Consumers Power Co	CMS
Dayton Power & Light	DPL
Delmarva Power & Light	DEW

[1] Generic Determination of Rate of Return on Common Equity for Public Utilities, 51 FR 343 (January 6, 1986) (Docket No. RM85–19–000 (Final Rule) (Order No. 442).

[2] Defined in § 37.3 and calculated according to § 37.9(a)(3).

[3] These values are determined according to the formula given in § 37.9(a) (1) through (3). *See* "Source Data and Calculations Used in Final Rule and Quarterly Updates," dated January 1986.

EXHIBIT 1.—INITIAL SAMPLE OF UTILITIES—Continued

Utility	Ticker symbol
Detroit Edison Co	DTE
Dominion Resources Inc-VA	D
Duke Power Co	DUK
Duquesne Light Co	DQU
Eastern Utilities Assoc	EUA
Empire District Electric Co	EDE
Fitchburg Gas & Elec Light	FGE
Florida Progress Corp	FPC
FPL Group Inc	FPL
General Public Utilities	GPU
Green Mountain Power Corp	GMP
Gulf States Utilities Co	GSU
Hawaiian Electric Inds	HE
Houston Industries Inc	HOU
Idaho Power Co	IDA
Illinois Power Co	IPC
Interstate Power Co	IPW
Iowa Electric Light & Pwr	IEL
Iowa Resources Inc	IOR
Iowa-Illinois Gas & Elec	IWG
Ipalco Enterprises Inc	IPL
Kansas City Power & Light	KLT
Kansas Gas & Electric	KGE
Kansas Power & Light	KAN
Kentucky Utilities Co	KU
Long Island Lighting	LIL

EXHIBIT 1.—INITIAL SAMPLE OF UTILITIES—Continued

Utility	Ticker symbol
Louisville Gas & Electric	LOU
Maine Public Service	MAP
Middle South Utilities	MSU
Midwest Energy Co	MWE
Minnesota Power & Light	MPL
Montana Power Co	MTP
Nevada Power Co	NVP
New England Electric System	NES
New York State Elec & Gas	NGE
Newport Electric Corp	NPT
Niagara Mohawk Power	NMK
Northeast Utilities	NU
Northern Indiana Public Serv	NI
Northern States Power-MN	NSP
Ohio Edison Co	OEC
Oklahoma Gas & Electric	OGE
Orange & Rockland Utilities	ORU
Pacific Gas & Electric	PCG
Pacificorp	PPW
Pennsylvania Power & Light	PPL
Philadelphia Electric Co	PE
Portland General Electric Co	PGN
Potomac Electric Power	POM
Public Service Co of Colo	PSR
Public Service Co of Ind	PIN
Public Service Co of NH	PNH

EXHIBIT 1.—INITIAL SAMPLE OF UTILITIES—Continued

Utility	Ticker symbol
Public Service Co of N Mex	PNM
Public Service Elec & Gas	PEG
Puget Sound Power & Light	PSD
Rochester Gas & Electric	RGS
San Diego Gas & Electric	SDO
Savannah Elec & Power	SAV
Scana Corp	SCG
Sierra Pacific Resources	SRP
Southern Calif Edison Co	SCE
Southern Co	SO
Southern Indiana Gas & Elec	SIG
St Joseph Light & Power	SAJ
Teco Energy Inc	TE
Texas Utilities Co	TXU
TNP Enterprises Inc	TNP
Toledo Edison Co	TED
Tucson Electric Power Co	TEP
Union Electric Co	UEP
United Illuminating Co	UIL
Utah Power & Light	UTP
Utilicorp United Inc	UCU
Washington Water Power	WWP
Wisconsin Electric Power	WPC
Wisconsin Power & Light	WPL
Wisconsin Public Service	WPS

EXHIBIT 2.—UTILITIES EXCLUDED FROM THE SAMPLE FOR THE INDICATED QUARTER DUE TO EITHER ZERO DIVIDENDS OR A CUT IN DIVIDENDS FOR THIS QUARTER OR THE PRIOR THREE QUARTERS

Ticker symbol	Utility	Reason for exclusion
	Year 1985 Quarter 4	
CMS	Consumers Power Co	Dividend rate was zero for the quarter ending 12/31/85.
FGE	Fitchburg Gas & Elec Light	Dividend rate was zero for the quarter ending 12/31/85.
GPU	General Public Utilities	Dividend rate was zero for the quarter ending 12/31/85.
KGE	Kansas Gas & Electric	Dividend rate reduced in the quarter ending 12/31/85.
LIL	Long Island Lighting	Dividend rate was zero for the quarter ending 12/31/85.
MAP	Maine Public Service	Dividend rate was zero for the quarter ending 12/31/85.
MSU	Middle South Utilities	Dividend rate was zero for the quarter ending 12/31/85.
MTP	Montana Power Co	Dividend rate reduced in the quarter ending 03/31/85.
NI	Northern Indiana Public Serv	Dividend rate was zero for the quarter ending 12/31/85.
PNH	Public Service Co of NH	Dividend rate was zero for the quarter ending 12/31/85.
	Year 1986 Quarter 1	
CMS	Consumers Power Co	Dividend rate was zero for the quarter ending 03/31/86.
FGE	Fitchburg Gas & Elec Light	Dividend rate was zero for the quarter ending 03/31/86.
GPU	General Public Utilities	Dividend rate was zero for the quarter ending 03/31/86.
KGE	Kansas Gas & Electric	Dividend rate reduced in the quarter ending 03/31/86.
LIL	Long Island Lighting	Dividend rate was zero for the quarter ending 03/31/86.
MAP	Maine Public Service	Dividend rate was zero for the quarter ending 03/31/86.
MSU	Middle South Utilities	Dividend rate was zero for the quarter ending 03/31/86.
NI	Northern Indiana Public Serv	Dividend rate was zero for the quarter ending 03/31/86.
PNH	Public Service Co of Ind	Dividend rate was zero for the quarter ending 03/31/86.

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ANNUALIZED DIVIDEND YIELDS FOR THE INDICATED QUARTER FOR UTILITIES RETAINED IN THE SAMPLE

18:30 FRIDAY, APRIL 4, 1986 5

YEAR=85 QUARTER=4

TICKER SYMBOL	PRICE, 1ST MONTH OF QRTR-HIGH	PRICE, 1ST MONTH OF QRTR-LOW	PRICE, 2ND MONTH OF QRTR-HIGH	PRICE, 2ND MONTH OF QRTR-LOW	PRICE, 3RD MONTH OF QRTR-HIGH	PRICE, 3RD MONTH OF QRTR-LOW	DIVIDENDS: ANNUAL RATE	ANNUALIZED DIVIDEND YIELD
AEP	23.000	20.500	24.250	22.000	24.625	22.500	2.260	9.907
ATE	28.000	26.000	29.250	27.625	29.750	28.000	2.580	9.180
AYP	31.500	28.250	33.125	29.500	34.125	32.000	2.700	8.594
AZP	25.625	22.750	26.625	23.875	27.375	25.500	2.720	10.755
BGE	22.625	20.375	24.500	22.000	25.500	23.000	1.700	7.391
BHP	33.750	32.125	35.500	33.000	40.750	35.250	1.920	5.476
BSE	39.875	36.625	42.250	39.375	46.250	41.125	3.440	8.407
CER	25.625	23.625	26.250	24.500	27.000	24.750	2.220	8.778
CES	27.875	26.250	29.000	27.250	30.875	28.125	2.520	8.927
CIN	18.750	17.500	19.625	18.125	22.250	19.000	2.160	11.245
CIP	19.375	17.375	19.875	18.625	20.500	19.375	1.640	8.547
CNH	27.000	24.625	28.375	26.625	30.500	27.250	2.960	10.805
CNL	27.500	24.875	27.750	26.125	30.250	27.000	2.080	7.633
CPL	27.875	25.125	29.125	27.000	30.875	28.250	2.600	9.272
CSR	25.750	24.125	26.625	25.125	28.125	25.625	2.020	7.800
CTP	13.375	12.375	13.250	12.750	14.375	13.000	1.400	10.616
CV	20.500	19.125	20.500	19.125	22.125	20.000	1.900	9.392
CVX	23.500	22.000	24.250	22.375	25.625	23.000	2.640	11.254
CWE	29.750	27.000	30.000	27.625	30.625	28.625	3.000	10.367
D	32.250	28.875	33.500	31.500	36.750	32.250	2.840	8.733
DEW	25.375	22.625	26.000	24.625	28.250	25.625	1.920	7.554
DPL	19.125	17.125	20.000	18.250	20.875	19.625	2.000	10.435
DQU	15.875	14.250	17.250	15.250	17.125	16.000	2.060	12.909
DTE	15.375	14.125	15.750	14.875	16.375	15.125	1.680	11.001
DUK	34.750	31.375	34.750	33.125	36.875	33.875	2.600	7.619
ED	36.250	33.500	36.625	34.250	39.625	36.125	2.400	6.655
EDE	21.375	20.375	23.375	21.125	24.500	22.875	1.880	8.442
EUA	22.875	20.375	24.625	21.500	26.875	24.500	2.060	8.782
FPC	28.625	25.375	30.125	27.250	31.000	26.375	2.280	8.107
FPL	25.750	22.875	28.875	24.625	29.000	24.750	1.960	7.545
GMP	19.250	17.125	19.750	18.500	21.000	19.500	1.760	9.173
GSU	13.125	12.125	15.500	12.250	13.875	12.500	1.640	12.397
HE	22.125	20.125	23.750	21.375	25.375	22.625	1.720	7.623
HOU	28.375	25.375	29.375	27.000	29.125	27.125	2.640	9.521
IDA	21.750	20.625	21.875	20.750	23.500	21.250	1.720	7.954
IEL	19.750	18.000	21.000	19.125	21.625	19.000	1.940	9.823
IOR	33.875	31.000	34.125	32.375	36.500	33.875	3.080	9.160
IPC	23.750	21.375	25.250	22.375	24.375	22.750	2.640	11.324
IPL	36.250	33.000	36.875	35.500	38.375	35.125	3.040	8.479
IPW	20.000	19.250	21.625	19.750	22.750	21.000	1.900	9.166
IWG	32.500	30.375	33.875	31.625	36.250	33.500	2.740	8.298
KAN	38.125	35.000	39.250	37.125	41.375	38.000	2.960	7.760
KLT	22.000	19.250	23.125	21.000	22.875	21.000	2.360	10.956
KU	28.250	26.125	29.500	27.750	31.250	27.625	2.440	8.587
LOU	27.750	26.000	29.500	27.375	32.250	28.375	2.520	8.829
MPL	37.750	33.500	39.000	36.750	40.750	30.375	2.760	7.592
MWE	30.625	28.625	31.125	29.750	33.125	30.750	2.760	9.000
NES	44.250	40.500	48.625	43.875	51.500	47.875	3.840	8.329
NGE	27.625	23.875	27.375	25.250	28.750	25.000	2.560	9.729
NMK	19.125	17.625	20.625	18.750	21.000	18.375	2.080	10.805
NPT	17.000	15.750	17.750	16.500	17.375	16.500	1.500	8.922

EXHIBIT 3
page 1 of 4

ANNUALIZED DIVIDEND YIELDS FOR THE INDICATED QUARTER FOR UTILITIES RETAINED IN THE SAMPLE

18:30 FRIDAY, APRIL 4, 1986 6

YEAR=85 QUARTER=4

TICKER SYMBOL	PRICE, 1ST MONTH OF QRTR-HIGH	PRICE, 1ST MONTH OF QRTR-LOW	PRICE, 2ND MONTH OF QRTR-HIGH	PRICE, 2ND MONTH OF QRTR-LOW	PRICE, 3RD MONTH OF QRTR-HIGH	PRICE, 3RD MONTH OF QRTR-LOW	DIVIDENDS: ANNUAL RATE	ANNUALIZED DIVIDEND YIELD
NSP	48.000	45.125	50.500	47.625	54.750	49.500	3.520	7.147
NU	16.875	14.500	18.000	16.625	18.750	17.000	1.580	9.317
NVP	31.625	30.125	32.375	31.375	33.625	31.500	2.840	8.939
OEC	15.875	14.500	16.500	15.375	16.750	15.250	1.880	11.968
OGE	24.250	22.000	25.000	23.625	27.625	24.375	2.000	8.170
ORU	26.250	24.875	27.625	25.500	28.250	26.625	2.140	8.069
PCG	18.750	17.375	19.875	18.250	20.375	19.250	1.840	9.695
PE	15.875	14.000	15.875	14.875	17.625	15.000	2.200	14.155
PEG	29.125	26.625	31.875	28.000	33.125	29.375	2.840	9.566
PGN	20.750	18.000	21.875	20.500	23.250	21.750	1.900	9.039
PIN	9.375	8.500	9.000	7.125	7.875	6.875	1.000	12.308
PNM	28.500	26.625	29.000	27.250	30.750	26.750	2.920	10.375
POM	31.375	28.500	33.125	31.250	34.750	32.125	2.160	6.781
PPL	26.000	23.750	27.875	25.625	29.000	26.000	2.560	9.706
PPW	29.250	27.875	29.875	28.125	31.500	29.000	2.400	8.199
PSD	15.125	14.000	15.375	14.625	18.375	14.750	1.760	11.447
PSR	21.125	18.875	20.875	19.875	21.875	20.125	2.000	9.776
RGS	22.125	19.125	23.125	21.625	24.625	22.500	2.200	9.915
SAJ	20.875	20.000	22.375	20.375	23.750	22.000	1.720	7.977
SAV	20.375	19.375	21.875	20.000	23.375	21.125	1.600	7.611
SCE	25.250	22.750	25.375	24.000	28.500	24.625	2.160	8.611
SCG	26.000	23.875	27.375	25.500	28.000	25.375	2.160	8.301
SDO	26.875	25.000	27.000	26.125	28.250	25.875	2.240	8.446
SIG	24.375	23.000	26.500	24.000	27.750	25.250	1.800	7.158
SO	20.625	19.125	21.750	20.125	23.750	20.500	2.040	9.724
SRP	18.125	17.250	19.125	17.875	20.250	18.500	1.660	8.963
TE	33.375	30.875	33.875	32.625	35.125	32.750	2.360	7.129
TED	20.250	19.375	21.375	19.875	22.125	20.125	2.520	12.280
TEP	40.250	37.375	43.625	39.750	45.500	41.750	3.000	7.251
TNP	18.875	17.000	19.750	17.625	20.375	18.750	1.250	6.674
TXU	28.500	26.125	30.125	28.375	31.375	28.000	2.520	8.765
UCU	21.814	20.588	24.250	20.185	27.500	22.375	1.372	6.024
UEP	19.625	16.875	21.375	19.500	21.875	19.500	1.840	9.297
UIL	24.125	21.500	26.500	22.875	27.125	25.750	2.320	9.413
UTP	25.125	23.375	26.500	25.000	26.000	24.375	2.320	9.257
WPC	36.875	35.000	38.875	36.125	40.375	37.875	2.480	6.610
WPL	37.000	34.750	39.625	36.000	40.500	38.375	2.760	7.319
WPS	38.375	35.750	39.625	38.000	40.750	38.500	2.860	7.429
WWP	22.625	21.375	26.375	22.250	25.125	22.625	2.480	10.600

N= 90

EXHIBIT 3
page 2 of 4

ANNUALIZED DIVIDEND YIELDS FOR THE INDICATED QUARTER FOR UTILITIES RETAINED IN THE SAMPLE

18:30 FRIDAY, APRIL 4, 1986 7

YEAR=86 QUARTER=1

TICKER SYMBOL	PRICE, 1ST MONTH OF QRTR-HIGH	PRICE, 1ST MONTH OF QRTR-LOW	PRICE, 2ND MONTH OF QRTR-HIGH	PRICE, 2ND MONTH OF QRTR-LOW	PRICE, 3RD MONTH OF QRTR-HIGH	PRICE, 3RD MONTH OF QRTR-LOW	DIVIDENDS: ANNUAL RATE	ANNUALIZED DIVIDEND YIELD
AEP	25.875	22.750	26.625	23.875	28.125	25.625	2.260	8.870
ATE	30.875	28.250	33.125	30.750	36.250	33.250	2.580	8.042
AYP	35.250	31.625	38.250	34.875	39.250	36.500	2.800	7.787
AZP	28.125	26.000	29.750	26.000	30.125	28.000	2.720	9.714
BGE	25.750	23.000	28.250	24.625	28.250	26.625	1.700	6.518
BHP	22.375	18.563	24.813	21.063	29.000	22.500	1.140	4.945
BSE	47.250	42.375	51.750	45.500	53.250	49.500	3.440	7.126
CER	29.125	26.500	29.750	28.000	31.250	28.750	2.280	7.890
CES	32.250	29.250	34.250	32.625	37.250	34.250	2.520	7.565
CIN	22.500	20.375	24.375	21.875	24.625	23.000	2.160	9.477
CIP	21.375	19.750	22.875	20.875	24.250	22.125	1.640	7.497
CNH	30.500	28.000	33.375	30.000	35.125	31.625	2.960	9.416
CNL	30.500	28.500	31.500	29.000	33.500	31.000	2.080	6.783
CPL	31.000	27.750	33.500	30.125	35.750	32.500	2.680	8.435
CSR	29.750	26.500	31.125	28.250	31.875	29.875	2.140	7.239
CTP	15.000	13.375	15.875	14.750	18.000	15.500	1.400	9.081
CV	22.875	21.125	23.500	21.000	25.750	23.250	1.900	8.291
CVX	27.000	24.750	27.875	24.500	28.750	27.000	2.640	9.908
CWE	30.500	28.625	35.000	29.875	35.750	32.875	3.000	9.345
D	37.250	33.750	40.750	36.875	40.500	38.000	2.840	7.502
DEW	27.875	25.375	30.000	27.000	30.750	29.500	2.020	7.109
DPL	21.500	19.500	22.875	20.875	23.625	21.750	2.000	9.222
DQU	17.500	16.000	19.500	17.125	19.000	17.625	2.060	11.578
DTE	17.750	15.375	19.125	16.875	19.375	17.250	1.680	9.532
DUK	38.875	34.875	39.875	38.000	41.875	38.375	2.600	6.728
ED	40.875	37.625	42.375	39.750	42.625	40.000	2.680	6.610
EDE	25.000	23.250	27.125	24.125	26.750	25.250	1.880	7.446
EUA	27.875	25.750	30.000	27.750	33.750	29.875	2.060	7.063
FPC	33.125	30.250	37.000	32.625	37.125	34.750	2.280	6.677
FPL	29.250	26.375	31.250	28.375	33.500	28.875	1.960	6.621
GMP	21.500	19.375	22.750	20.500	24.125	22.625	1.760	8.069
GSU	15.000	12.625	15.000	13.125	13.875	10.625	1.640	12.262
HE	27.375	24.500	30.625	26.500	30.500	27.500	1.720	6.180
HOU	29.875	27.250	31.125	29.125	33.125	30.000	2.640	8.776
IDA	24.375	22.750	25.000	23.125	26.125	24.875	1.720	7.056
IEL	22.000	20.000	23.625	20.625	24.750	22.000	1.940	8.752
IOR	37.375	34.625	40.875	37.125	40.875	38.750	3.160	8.257
IPC	26.250	23.125	28.000	24.625	29.000	27.125	2.640	10.017
IPL	39.625	37.125	44.000	39.125	45.750	41.500	3.040	7.381
IPW	22.500	21.125	23.125	22.000	24.500	22.875	1.900	8.375
IWG	36.375	34.750	37.500	34.500	41.125	37.125	2.900	7.860
KAN	41.625	39.625	45.625	41.125	47.500	44.625	3.160	7.289
KLT	24.375	21.125	26.125	23.500	29.250	25.625	2.360	9.440
KU	32.875	30.000	34.000	31.750	38.875	33.375	2.520	7.527
LOU	30.875	29.000	33.375	30.500	35.250	32.000	2.520	7.916
MPL	42.500	38.375	49.375	42.250	50.000	45.750	3.040	6.800
MTP	34.250	31.375	34.375	32.250	36.625	32.875	2.400	7.138
MWE	33.875	31.125	34.625	32.750	37.375	33.750	2.760	8.138
NES	26.313	25.000	27.750	25.750	27.625	24.375	1.920	7.346
NGE	29.625	27.125	30.500	28.000	32.000	29.375	2.560	8.696
NMK	22.125	19.625	22.500	21.000	24.875	21.250	2.080	9.500

EXHIBIT 3
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ANNUALIZED DIVIDEND YIELDS FOR THE INDICATED QUARTER FOR UTILITIES RETAINED IN THE SAMPLE

18:30 FRIDAY, APRIL 4, 1986 8

YEAR=86 QUARTER=1

TICKER SYMBOL	PRICE, 1ST MONTH OF QRTR-HIGH	PRICE, 1ST MONTH OF QRTR-LOW	PRICE, 2ND MONTH OF QRTR-HIGH	PRICE, 2ND MONTH OF QRTR-LOW	PRICE, 3RD MONTH OF QRTR-HIGH	PRICE, 3RD MONTH OF QRTR-LOW	DIVIDENDS: ANNUAL RATE	ANNUALIZED DIVIDEND YIELD
NPT	17.750	16.250	18.125	17.125	19.250	17.875	1.500	8.461
NSP	55.500	50.000	59.250	53.875	63.000	57.250	3.520	6.232
NU	19.875	17.375	22.000	18.000	22.250	20.000	1.680	8.435
NVP	34.250	32.125	38.250	33.250	39.375	36.875	2.840	7.958
OEC	17.875	15.875	19.500	17.125	19.875	18.250	1.920	10.618
OGE	28.375	26.125	30.500	28.125	30.625	29.375	2.080	7.209
ORU	29.125	26.250	30.125	27.125	31.875	29.750	2.140	7.369
PCG	20.500	18.750	22.875	20.125	23.625	20.750	1.840	8.719
PE	19.500	16.875	20.500	18.875	20.500	18.250	2.200	11.528
PEG	34.000	30.750	38.125	33.125	38.000	35.000	2.840	8.153
PGN	25.625	21.875	27.500	24.375	28.500	25.000	1.900	7.457
PNM	31.375	28.000	32.000	30.125	35.875	31.375	2.920	9.282
POM	37.375	33.750	39.500	37.000	40.625	37.625	2.360	6.269
PPL	29.875	27.625	33.250	28.875	33.125	31.000	2.560	8.359
PPW	33.250	30.125	33.000	31.625	35.500	32.125	2.400	7.361
PSD	19.250	17.625	20.500	18.375	22.250	20.125	1.760	8.940
PSR	21.375	20.375	22.375	20.000	22.375	20.750	2.000	9.430
RGS	24.000	22.375	25.625	23.625	28.000	24.875	2.200	8.889
SAJ	23.500	22.250	28.875	22.625	28.375	26.000	1.820	7.202
SAV	23.750	21.625	25.375	22.250	30.000	25.000	1.760	7.135
SCE	27.750	24.750	29.750	26.750	31.875	28.750	2.160	7.640
SCG	29.625	27.125	33.125	28.750	33.250	31.375	2.240	7.334
SDO	29.875	26.750	32.000	28.875	34.250	30.625	2.240	7.369
SIG	28.000	25.500	30.500	28.000	34.250	29.625	1.960	6.687
SO	22.750	21.375	23.625	21.625	24.500	22.250	2.040	8.992
SRP	21.375	19.125	22.750	20.000	23.875	22.375	1.660	7.691
TE	37.500	34.000	39.250	34.750	40.625	38.375	2.360	6.307
TED	23.375	21.125	25.125	22.375	27.375	24.000	2.520	10.546
TEP	45.000	41.000	51.000	44.250	51.750	48.000	3.300	7.046
TNP	20.750	19.375	21.625	20.250	21.375	19.875	1.320	6.426
TXU	31.875	29.500	34.750	30.875	34.625	32.250	2.680	8.294
UCU	23.500	22.500	25.625	23.125	32.750	24.000	1.400	5.545
UEP	22.875	20.875	25.500	22.125	25.375	22.000	1.840	7.957
UIL	32.125	26.875	32.250	29.625	33.250	30.500	2.320	7.540
UTP	26.750	23.375	29.250	26.375	29.750	26.000	2.320	8.619
WPC	43.625	38.375	46.000	41.375	49.750	45.750	2.480	5.618
WPL	42.250	39.000	45.875	41.875	46.875	45.000	2.840	6.532
WPS	40.750	38.375	45.500	40.375	46.500	43.250	2.860	6.736
WWP	25.875	24.250	27.375	25.625	28.875	26.625	2.480	9.381

N= 90

EXHIBIT 3
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[FR Doc. 86–8921 Filed 4–21–86; 8:45 am]
BILLING CODE 6717-01-C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Colloidal Ferric Oxide Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations by removing the regulation that reflected approval of a new animal drug application (NADA) sponsored by Boehringer Ingelheim Animal Health, Inc., providing for use of colloidal ferric oxide injection in baby pigs for preventing and treating iron deficiency anemia. In a notice published elsewhere in this issue of the **Federal Register**, the agency is withdrawing approval of the subject NADA at the request of the sponsor.

EFFECTIVE DATE: May 2, 1986.

FOR FURTHER INFORMATION CONTACT: Vitolis E. Vengris, Center for Veterinary Medicine (HFV–214), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3183.

SUPPLEMENTARY INFORMATION: In a notice published elsewhere in this issue of the **Federal Register**, the agency is withdrawing approval of Boehringer Ingelheim Animal Health, Inc., NADA 39–281 which covers use of Top Hand Iron Injection (colloidal ferric oxide in a dextrin solution) in baby pigs for preventing and treating iron deficiency anemia. This document removes the regulation that reflected approval of the NADA.

List of Subjects in 21 CFR Part 522

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and Under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 522 is amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

1. The authority citation for 21 CFR Part 522 continues to read as follows:

Authority: Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)); 21 CFR 5.10 and 5.83.

§ 522.940 [Amended]

2. Section 522.940 *Colloidal ferric oxide injection* is amended by removing paragraph (d).

Dated: April 15, 1986.

Gerald B. Guest,

Acting Director, Center for Veterinary Medicine.

[FR Doc. 86–8933 Filed 4–21–86; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Halofuginone and Virginiamycin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by American Hoechst Corp. The NADA provides for the use of halofuginone hydrobromide in combination with virginiamycin in Type C broiler feeds for the prevention of coccidiosis, increased rate of weight gain, and improved feed efficiency.

EFFECTIVE DATE: April 22, 1986.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Center for Veterinary Medicine (HFV–128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4317.

SUPPLEMENTARY INFORMATION: American Hoechst Corp., Animal Health Division, Route 202–206 North, Somerville, NJ 08876, has filed NADA 139–473 providing for use of approved 2.72-gram-per-pound halofuginone Type A articles to be mixed with approved 10-, 20-, 50-, or 227-gram-per-pound virginiamycin Type A articles to prepare Type C broiler feeds containing virginiamycin at 5 or 5 to 15 grams per ton in combination with halofuginone hydrobromide at 3 parts per million. The Type C feed containing 5 grams per ton virginiamycin with 3 parts per million halofuginone is used for the prevention of coccidiosis caused by *Eimeria tenella, E. necatrix, E. acervulina, E. brunetti, E. mivati,* and *E. maxima,* and for improved feed efficiency and increased rate of weight gain. The Type C feed containing 5 to 15 grams per ton virginiamycin with 3 parts per million halofuginone is used for the prevention of coccidiosis and improved feed efficiency. The application is approved and the regulations are amended accordingly. The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.24(d)(1)(ii) (April 26, 1985; 50 FR 16636) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR Part 558 continues to read as follows:

Authority: Sec. 512, 82 Stat. 343–351 (21 U.S.C. 360b); 21 CFR 5.10 and 5.83.

2. In § 558.265 by adding new paragraphs (c) (3) and (4) to read as follows:

§ 558.265 Halofuginone hydrobromide.

* * * * *

(c) * * *

(3) *Amount per ton.* Halofuginone 3 parts per million plus virginiamycin 5 grams.

(i) *Indications for use.* For the prevention of coccidiosis caused by *Eimeria tenella, E. necatrix , E. acervulina, E. brunetti, E. mivati,* and *E. maxima;* for increased rate of weight gain and improved feed efficiency.

(ii) *Limitations.* Feed continuously as sole ration; withdraw 6 days before slaughter; do not feed to layers.

(4) *Amount per ton.* Halofuginone 3 parts per million plus virginiamycin 5 to 15 grams.

(i) *Indications for use.* For the prevention of coccidiosis caused by *Eimeria tenella, E. necatrix, E. acervulina, E. brunetti, E. mivati,* and *E. maxima;* for increased rate of weight gain.

(ii) *Limitations.* Feed continuously as sole ration; withdraw 6 days before slaughter; do not feed to layers.

3. In § 558.635 by adding new paragraph (f)(3)(v) to read as follows:

§ 558.635 Virginiamycin.

* * * * *

(f) * * *

(3) * * *

(v) Halofuginone as in § 558.265.

Dated: April 15, 1986.

Gerald B. Guest,

Acting Director, Center for Veterinary Medicine.

[FR Doc. 86-8932 Filed 4-21-86; 8:45 am]

BILLING CODE 4160-01-M

VETERANS ADMINISTRATION

38 CFR Part 17

Readjustment Counseling and Related Mental Health Services

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The Veterans Administration is amending its medical regulations (38 CFR Part 17) to remove any reference to a date by which Vietnam era veterans must request readjustment counseling. This change is authorized by Pub. L. 99-166, "Veterans Administration Health-Care Amendments of 1985."

EFFECTIVE DATE: This amendment is effective May 27, 1986.

FOR FURTHER INFORMATION CONTACT: Karen O. Walters, Chief, Policies and Procedures Division (136F), Department of Medicine and Surgery, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 389-2143.

SUPPLEMENTARY INFORMATION: Section 106 of Pub. L. 99-166 made a technical amendment to Title 38 U.S.C. 612A(g)(1)(B) to remove the reference to a date by which Vietnam era veterans must request readjustment counseling. Prior to this change these veterans were required to request such counseling before September 30, 1988.

The Administrator has determined that this amendment to VA regulations is considered nonmajor under the criteria of Executive Order 12291, Federal Regulation. It will not have an annual effect on the economy of $100 million or more; it will not result in major increases in costs for consumers, individual industries, Federal, State or local government agencies, or geographic regions, nor will it have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign based enterprises in domestic or export markets.

The VA finds that advance publications for public notice and comments is unnecessary and not required. This change is primarily an interpretive rule conforming the regulations to a change made by Pub. L. 99-166 and will not have independent effect. Therefore, the changes come within exceptions to the general VA policy of prior publication for public notice and comment, contained in 38 CFR 1.12. Accordingly, these changes are now public as final regulations.

Since a proposed rule will not be published, these amendments do not come within the term "rule" as defined in the Regulatory Flexibility Act, 5 U.S.C. 601(2). Therefore, these changes are not subject to that act. In any case, the changes will not have a significant economic impact on a substantial number of small entities because they concern the entitlement of individual veterans and their beneficiaries, and do not have independent effect.

Catalog of Federal Domestic Assistance Numbers: 64.009 and 64.011.

List of Subjects in 38 CFR Part 17

Alcoholism, Claims, Dental health, Drug abuse, Foreign relations, Government contracts, Grants programs—health, health care, Health facilities, Health professions, Medical devices, Medical research, Mental health programs, Nursing home, Philippines, Veterans.

Approved: March 25, 1986.

By direction of the Administrator:

Everett Alvarez, Jr.,

Deputy Administrator.

PART 17—[AMENDED]

38 CFR Part 17, MEDICAL, is amended by revising § 17.57(a) to read as follows:

§ 17.57 Readjustment counseling and related mental health services.

(a) Readjustment counseling, including a general mental and psychological assessment to ascertain whether an individual has mental or psychological problems associated with readjustment to civilian life, and, if indicated, related mental health services will be furnished, under the conditions stated, to veterans who have served on active duty during the Vietnam era. (38 U.S.C. 612A; Pub. L. 99-166)

* * * * *

[FR Doc. 86-8941 Filed 4-21-86; 8:45 am]

BILLING CODE 8320-01-M

POSTAL RATE COMMISSION

39 CFR Part 3001

[Docket No. RM86-1; Order No. 676]

Rules of Practice and Procedure Relating to Documentation of Statistical and Computer-Generated Evidence; Order of Rulemaking

Issued: March 6, 1986.

AGENCY: Postal Rate Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending § 3001.31(k)(3)(i) of its Rules of Practice governing computer-generated evidence to provide that where a simulation model is offered in evidence, testing and validation are presumptively necessary to lay an adequate foundation for admission into evidence. We are also making technical revisions to § 3001.31(k)(2) and § 3001.54(f)(3)(iii)(*c*).

DATE: These revisions to our Rules will become effective April 22, 1986.

FOR FURTHER INFORMATION CONTACT: David F. Stover, General Counsel, Postal Rate Commission, Suite 300, 1333 H Street, NW., Washington, DC 20268 (telephone: 202/789-6820).

SUPPLEMENTARY INFORMATION: In Docket No. RM85-2, the Commission adopted several proposals to amend our Rules of Practice that dealt with workpaper citations, the "roll-forward" computer model, and technical conferences for computer-generated evidence. The Notice of Proposed Rulemaking in Docket No. RM85-2 was issued on June 18, 1985 (50 FR 27308-13), and the amended Rules were adopted upon their publication in the Federal Register on October 25, 1985 (50 FR 43388-93). Time, Inc., and Dow Jones & Co. filed comments in Docket No. RM85-2 on August 2, 1985, and August 9, 1985, respectively. In their comments, they advanced some proposals that were not directly related to the Commission's proposals in Docket No. RM85-2. Their indirectly-related proposals were deferred for consideration in this docket.

Comments on these indirectly-related proposals were solicited in this docket in our Notice of Proposed Rulemaking, issued October 21, 1985 (50 FR 43414-15). Perhaps the most significant of these proposals is the one advanced by Time, Inc. relating to computer-generated simulation models. Time, Inc. proposed that we make information on testing and validation presumptively necessary for laying a foundation for such models. It proposed that we do this by adding the following paragraph to Rule 31(k)(3)(i):

(j) Computer simulation models [that seek to describe the operations of the Postal Service, in whole or in part, or any postal related activity,] offered in evidence or relied upon as support for other evidence, shall be bound by all applicable provisions of paragraph (k)(3) and the separate requirements of paragraph (k)(2) [(statistical studies)], to the extent that portions of the simulation model utilize or rely upon such [separate or integrated] studies. Information that compares the simulation model output results to the actual operations(s) being modelled, using data other than those from which the model was developed, shall be separately identified and submitted as evidence supporting the test and validation of the simulation model. Separate statements concerning the model limitations, including limiting model design assumptions and range of data input utilized in model design, shall be provided. Where test and validation of the entire simulation model are not possible, test and validation information shall be provided for disaggregate portions of the model. If disaggregate testing and validation are not possible, separate statements to that effect and statements regarding operational experts' review of model validity shall be provided.

Time, Inc., notes that such a requirement is implicit in Rule 31(k)(3)(i)(e), which, by example, incorporates generally accepted software documentation standards that contain test and validation documentation. Time, Inc., contends, however, that these requirements should be made explicit in our Rule in order to be effective. Comments of Time, Inc., filed August 2, 1985, in Docket No. RM85–2, at 2. We agree. Dow Jones & Co. endorses the addition (Comments of Dow Jones & Co., November 25, 1985), and the Postal Service does not oppose it. (Comments of the United States Postal Service, November 25, 1985.)

Time, Inc., is correct in contending that validation is at least as important as authentication and replication in establishing a foundation for computer-generated simulation models. As Time, Inc., explains, to build a simulation model it is necessary to collect data on the real-world phenomena being studied and then to develop mathematical formulae that represent the relationships among that data. Since this involves a "curve fitting" process, it cannot be thought to be a valid model of observed phenomena unless the formulae developed are tested in one of two ways. One is a test of historical validity. In such a test, the formulae are applied to a set of historical data separate from the set used to develop the model, to see if the results are consistent. The other is a test of face validity. In such a test, operations experts judgmentally evaluate how accurately the formulae developed reflect real-world relationships. It is used when historical validation is not possible. Time, Inc.'s proposed addition allows face validation where historical validation is not possible. Therefore, it is flexible enough to serve as a practical foundational requirement for our proceedings.

We therefore adopt new paragraph 31(k)(3)(i)(j) as it appears below. Its language differs slightly from that proposed by Time, Inc., quoted above. We have deleted the phrase "that seek to describe the operations of the Postal Service, in whole or in part, or any postal related activity," bracketed above, because we deem it advisable to apply the rule to simulation models in general, not just those that model postal operations. The other bracketed language, although it accurately expresses the intent of the new rule, is deleted as unnecessary elaboration.

In this docket, we also solicited public comment on several proposals made by Dow Jones, Inc., in its comments filed August 9, 1985, in Docket No. RM85–2. These include its proposal to strengthen the current requirement in Rule 54(o)(3) that workpapers be "neat and legible" to counteract what it contends is a common problem of participants' workpapers failing to meet this standard. It proposed that our rules place the burden on the filing party to ensure that workpapers are legible. It proposed that the party who fails to meet the standard be required, upon request, to provide legible replacement pages, by overnight delivery. Comments of Dow Jones & Co., Inc., filed August 9, 1985, in Docket No. RM85–2, at 2–3. The Postal Service opposed this proposal, arguing that the problems that lead to filing illegible workpapers are the kind that need to be dealt with by informal negotiation, rather than by added formalities in the Rule. Comments of the Postal Service, November 25, 1985, at 2–3.

We agree with Dow Jones & Co., that the burden should be on the filing party to ensure that their workpapers meet the legibility standard in the Rule. That, in fact, is what the current rule does. But we also agree with the Postal Service that noncompliance with the Rule is likely to be due to causes that are best dealt with through informal accommodation among parties. Should this appear to be inadequate in any particular proceeding, the presiding officer will fashion an appropriate special rule of practice to correct the problem. Accordingly, we have not revised Rule 54(o)(3) as Dow Jones & Co. requests.

Rule 31(k)(2) sets forth standard statistical significance tests and other documentation requirements for statistical studies on which hearing participants rely. Dow Jones & Co. proposes that these be made mandatory rather than provided "upon proper request," as the Rule now requires. In particular, Dow Jones proposes that the information concerning statistical methodology contained in paragraph 31(k)(2)(iv) of our rules become a mandatory requirement. Comments of Dow Jones & Co., filed August 9, 1985, in Docket RM85–2, at 5.

Dow Jones argues that the documentation of statistical studies that is specified in this Rule is the kind that should accompany all statistical studies as a matter of course. To require that such documentation accompany the filing of such evidence would, it contends, avoid an unnecessary round of interrogatories. We agree with Dow Jones. We note that the Postal Service has no objection to this proposal. Comments of the Postal Service, November 25, 1985, at 4. Accordingly we are revising Rule 32(k)(2) by deleting the phrase "[u]pon proper request" that currently introduces paragraph "(2)." This will make provision of the documentation specified therein mandatory at the time of filing, except for particular subparagraphs in which we retain the phrase "upon request." We are adding the phrase "upon request" at the beginning of subparagraph "(ii)(b)" because we do not believe that it is appropriate to make that item of documentation mandatory.

On our own initiative, we are making a technical correction involving paragraph 31(k)(2) that will improve the organization of Rule 31 generally. Paragraph 31(k)(2)(iv)(e) states the general principle that designating a document as a library reference in our proceedings does not confer any particular evidentiary status upon that document. This is a general statement that applies not only to the narrow category of documentation that comes within 31(k)(2)(iv), but applies with equal force to all documentary evidence governed by Rule 31. Accordingly, we revise Rule 31 by deleting paragraph 31(k)(2)(iv)(e), and placing the language of that subparagraph at the end of paragraph 31(b).

Dow Jones, Inc., proposed that we make some technical corrections elsewhere in our Rules of Practice. It suggests that Rule 54(h)(4), which currently requires the Postal Service to "identify the methodology used to attribute or assign each type of cost," should also require an explanation of how that methodology works, and set forth the calculations underlying the use

of that methodology. Comments of Dow Jones & Co. filed August 9, 1985, in Docket No. RM85–2, at 6. A similar requirement that underlying calculations be provided should be added to Rule 54(o)(2)(v), according to Dow Jones, Inc. This would require that the Postal Service show, in addition to "results" of special studies used to modify, expand, project, or audit routinely collected data, the calculations underlying those results.

We note that explanations of how analytical methods were applied to achieve results offered in evidence, including underlying calculations, are requirements that are implicit in both of these rules. They are also requirements inherent in our workpaper rule. Paragraph 54(o)(4) of our workpaper rule requires the Postal Service to show the derivation of all quantitative data offered in evidence in such a way that it can be traced to primary data sources. Complying with this general rule necessarily encompasses the underlying calculation which Dow Jones seeks in the specific areas covered by Rules 54(h)(4) and (o)(2)(v). It would therefore add nothing to these rules to make the additions proposed by Dow Jones. Moreover, to explicitly require underlying calculations in some, but not all, of Rule 54 would raise a negative inference in other parts of that Rule that underlying calculations are not required. For these reasons, we will not make these revisions proposed by Dow Jones & Co.

Dow Jones, Inc., also notes that current Rule 54(f)(3)(iii)(*c*) requires assignment and distribution of costs "to functions set forth in f(3)(iii)(*b*) of this section" but that f(3)(iii)(*b*) contains only examples, not an exhaustive list, of functions. It suggests that the reference back to f(3)(iii)(*b*) be reworded to avoid the inference that the examples listed there are exhaustive. Comments of Dow Jones & Co. filed August 9, 1985, in Docket No. RM85–2, at 6–7. We note that the same criticism applies to the reference back to f(3)(iii)(*a*) that is made in the subparagraph. We agree that both references back can be clarified by rewording them. Accordingly, we revise the language of Rule 54(f)(iii)(*c*) as appears below.

Impact of Changes

The Commission finds that these rule changes do not, individually or collectively, constitute a major rule. They affect only rules of practice governing hearing procedures and their economic impact will be negligible, including their impact on the costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions. Additionally, these rule changes will have no measurable effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The above analysis that these rule changes do not constitute a major rule applies, as well, to the Regulatory Flexibility Act.

List of Subjects in 39 CFR Part 3001

Administrative practice and procedure, Postal Service.

List of Changes

1. The authority citation for 39 CFR Part 3001 continues to read as follows:

Authority: 39 U.S.C. 404(b), 3603, 3622–3624, 3661, 3662, 84 Stat. 759–762, 764, 90 Stat. 1303; (5 U.S.C. 553), 80 Stat. 383.

PART 3001—RULES OF PRACTICE AND PROCEDURE

2. In § 3001.31, paragraph (b) is revised to read as follows:

§ 3001.31 Evidence.

* * * * *

(b) *Documentary.* Documents and detailed data and information shall be presented as exhibits. Where relevant and material matter offered in evidence is embraced in a document containing other matter not material or relevant or not intended to be put in evidence, the participant offering the same shall plainly designate the matter offered excluding the immaterial or irrelevant parts. If other matter in such document is in such bulk or extent as would unnecessarily encumber the record, such document may be marked for identification, and, if properly authenticated, the relevant and material parts thereof may be read into the record, or, if the Commission or the presiding officer so directs, a true copy of such matter in proper form shall be received in evidence as an exhibit. Copies of documents shall be delivered by the participant offering the same to the other participants or their attorneys appearing at the hearing, who shall be afforded an opportunity to examine the entire and relevant portions thereof. Designation of a document as a library reference is a procedure for facilitating reference to the document in Commission proceedings and does not, by itself, confer any particular evidentiary status upon the document. The evidentiary status of the document is governed by this section.

§ 3001.31 [Amended]

3. Paragraph (k)(2) of § 3001.31 is revised to read as follows:

(k) *Introduction and reliance upon studies and analyses—* * * *

(2) *Statistical studies.* All statistical studies offered in evidence in hearing proceedings or relied upon as support for other evidence shall be described in a summary statement with supplementary details added in appendices so as to give a comprehensive description of the assumptions made, the study plan utilized and the procedures undertaken. For example, for each of the following types of statistical studies, the indicated information should be furnished:

(i) *Sample surveys. (a)* A clear description of the survey design, including the definition of the universe under study, the sampling frame and units, and the validity and confidence limits than can be placed on major estimates; and

(*b*) An explanation of the method of selecting the sample and the characteristics measured or counted.

(ii) *Econometric investigations.* (*a*) A complete description of the econometric model and reasons for each assumption and statistical specification;

(*b*) Upon request, a clear statement as to the effects on the final result of changes in the assumptions; and

(*c*) Upon request, make available alternative studies which may have been made, which employed alternative models and variables.

(iii) *Experimental analyses.* (*a*) A complete description of the experimental design, including a specification of the controlled conditions and how the controls were realized;

(*b*) A complete description of the methods of making observations and the adjustments, if any, to observed data.

(iv) *All studies involving statistical methodology.* (*a*) The formula used for statistical estimates;

(*b*) The standard errors of each component estimated;

(*c*) Test statistics and the description of statistical tests and all related computations, and final results; and

(*d*) Summary descriptions of input data, and, upon request, the actual input data shall be made available at the offices of the Commission.

4. Paragraph (k)(3)(i)(*j*) of § 3001.31 is added to read as follows:

(k) * * *

(3) *Computer analyses.* (i) * * *

* * * * *

(*j*) Computer simulation models offered in evidence or relied upon as

support for other evidence, shall be bound by all applicable provisions of paragraph (k)(3) and the separate requirements of paragraph (k)(2), to the extent that portions of the simulation model utilize or rely upon such studies. Information that compares the simulation model output results to the actual phenomena being modelled, using data other than those from which the model was developed, shall be separately identified and submitted as evidence supporting the test and validation of the simulation model. Separate statements concerning the model limitations, including limiting model design assumptions and range of data input utilized in model design, shall be provided. Where test and validation of the entire simulation model are not possible, test and validation information shall be provided for disaggregate portions of the model. If disaggregate testing and validation are not possible, separate statements to that effect and statements regarding operational experts' review of model validity shall be provided.

* * * * *

5. In § 3001.54, paragraph (f)(3)(iii) (*c*) is revised to read as follows:

§ 3001.54 Contents of formal requests.

(*f*) *Total functionalized accrued costs.*

* * * * *

(3) (iii)

* * * * *

(*c*) An assignment and distribution of the costs by account, exemplified in paragraph (f)(3)(iii) (*a*) of this section, together with related mail volumes, to the functions exemplified in paragraph (f)(3)(iii) (*b*) of this section;

* * * * *

By the Commission.

Charles L. Clapp,

Secretary.

[FR Doc. 86-8955 Filed 4-21-86; 8:45 am]

BILLING CODE 7715-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[A-4-FRL-3006-5]

Air Pollution; Standards of Performance for New Stationary Sources; Supplemental Delegation of Authority to South Carolina

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of delegation of authority.

SUMMARY: The State of South Carolina requested delegation of authority for the implementation and enforcement of several additional categories of National Standards of Performance for New Stationary Sources (NSPS). EPA's review of South Carolina's laws, rules, and regulations showed them to be adequate for the implementation and enforcement of these federal standards, and the Agency made the delegation as requested.

EFFECTIVE DATE: These requests for delegation of authority to South Carolina were effective March 27, 1985, and February 18, 1986.

ADDRESSES: Copies of the requests for delegation of authority and EPA's letters of delegation are available for public inspection at EPA's Region IV Office, 345 Courtland Street, NE., Atlanta, Georgia 30365.

All reports required pursuant to the newly delegated standards should not be submitted to the EPA Region IV Office, but should instead be submitted to the following address: Mr. Otto Pearson, Bureau of Air Quality Control, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201.

FOR FURTHER INFORMATION CONTACT: Beverly A. Thomas of the EPA Region IV Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365, telephone 404/347-2864 (FTS 257-2864).

SUPPLEMENTARY INFORMATION: Sections 101, 110, and 111 of the Clean Air Act authorize the Administrator to delegate his authority to implement and enforce the National Standards of Performance for New Stationary Sources (NSPS) to any State which has submitted adequate implementation and enforcement procedures.

On October 26, 1976, EPA delegated to the State of South Carolina, the authority to implement the NSPS. Subsequent NSPS delegations were made on March 17, 1981, March 26, 1982, April 28, 1983, April 6, 1984 and May 10, 1984. On February 8, 1985, March 5, 1985, and January 23, 1986, South Carolina requested that EPA delegate authority for the NSPS categories that had been promulgated since the May 10, 1984, delegation.

The NSPS categories requested are as follows:

1. *Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels in Steel Plants, 40 CFR Part 60, Subpart AAa,* as promulgated on October 31, 1984.

2. *Flexible Vinyl and Urethane Coating and Printing, 40 CFR Part 60, Subpart FFF,* as promulgated on June 29, 1984.

3. *Equipment Leaks of VOC in Petroleum Refineries, 40 CFR Part 60, Subpart GGG,* as promulgated on May 30, 1984.

4. *Petroleum Dry Cleaners, 40 CFR Part 60, Subpart JJJ,* as promulgated on September 21, 1984.

5. *Secondary Emissions from Basic Oxygen Process Steelmaking Facilities, 40 CFR Part 60, Subpart Na,* as promulgated on January 2, 1986.

6. *Equipment Leaks of VOC from Onshore Natural Gas Processing Plants, 40 CFR Part 60, Subpart KKK,* as promulgated on June 24, 1985.

7. *Onshore Natural Gas Processing:* SO_2 Emissions, 40 CFR Part 60, Subpart LLL, as promulgated on October 1, 1985.

8. *Nonmetallic Mineral Processing Plants, 40 CFR Part 60, Subpart OOO,* as promulgated on August 1, 1985.

9. *Wool Fiberglass Insulation Manufacturing Plants, 40 CFR Part 60, Subpart PPP,* as promulgated on February 25, 1985.

ACTION: Since review of the pertinent South Carolina laws, rules, and regulations showed them to be adequate for the implementation and enforcement of the aforementioned categories of NSPS, I delegated to the State of South Carolina my authority for the source categories listed above on March 27, 1985, and February 18, 1986.

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

This notice is issued under the authority of sections 101, 110, 111, and 301 of the Clean Air Act, as amended (42 U.S.C. 7401, 7410, 7411, 7412 and 7601).

Dated: April 11, 1986.

Jack E. Ravan,

Regional Administrator.

[FR Doc 86-8957 Filed 4-21-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 1, and 90

[PR Docket No. 83-737; FCC 86-143]

Frequency Coordination in the Private Land Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document adopts rules and policies revising frequency coordination procedures in the Private Land Mobile Radio Services. Such action was encouraged by Congress in

amendments to the Communications Act of 1934 and will facilitate application processing, maximize spectrum utilization, provide a more reliable data base, and allow for the introduction of new technology with minimum disruption to existing operations in these services.

EFFECTIVE DATE: October 22, 1986.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Eugene Thomson or Herb Zeiler, Private Radio Bureau, (202) 634–2443.

SUPPLEMENTARY INFORMATION:

List of Subjects

47 CFR Part 0

Organization and functions (Government agencies).

47 CFR Part 1

Administrative practice and procedure.

47 CFR Part 90

Radio.

This is a summary of the Commission's Report and Order, PR Docket 83–737, adopted April 3, 1986, and released April 15, 1986.

The full text of Commission decisions are available for inspection and copying during normal business hours in the FCC Dockets branch (room 230), 1919 M Street, Northwest, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service (202) 857–3800, 2100 M Street, Northwest, Suite 140, Washington, DC 20037.

Summary of Report and Order

1. On October 17, 1984, the Commission adopted a Notice of Proposed Rule Making (Notice) which proposed new rules and policies to govern frequency coordination and coordinators. The Notice was premised on two fundamental concepts: (1) To use to the maximum extent possible the capabilities of private coordinating groups to provide better service to the public and (2) to allow the Commission to do more licensing with diminishing resources. The Notice proposed to have coordinators review most private land mobile applications before they are filed with the Commission. Further, the Notice proposed that only one coordinator be certified for each radio service or frequency group. Finally, the Notice proposed revised procedures designed to streamline the coordination and licensing processes.

2. This Report and Order adopts rules and procedures, as indicated in Appendix C, for applicants applying for frequencies in the private land mobile radio services. It sets forth criteria for determining which applications require or do not require coordination, and establishes requirements to which coordinators must conform. The Commission states that the rules and procedures adopted will improve the quality of frequency selections, expedite licensing, and improve spectrum efficiency, all to the benefit of private land mobile radio users. To achieve these objectives, certified frequency coordinators will be required to:

(1) Provide coordination services on a non-discriminatory basis;

(2) Review the Form 574 application for completeness and review items 1–25 for general correctness;

(3) Process applications in order of receipt;

(4) File coordinated applications with the Commission;

(5) Handle post-licensing conflicts involving frequency selection;

(6) Respond to coordination requests and applications in a timely manner;

(7) Recommend the most appropriate frequency;

(8) Handle interservice sharing requests;

(9) Maintain reasonable and uniform fees;

(10) Establish a single point of contact nationally; and

(11) Facilitate the use of new technologies.

3. The Report and Order discusses the issue of single versus multiple coordinators per radio service. The Commission indicated that certifying only one coordinator per service would obviate the need to develop a system for ensuring that the independent actions of competing coordinators would be both consistent and harmonious. It concluded that the designation of a single coordinator for each radio service would substantially simplify the coordination process and would result in more reliable frequency recommendations. Accordingly, coordinators were certified for each radio service or specialized groups of frequencies listed in Part 90 of the Commission's rules.

Final Regulatory Flexibility Analysis

4. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 604, a final regulatory flexibility analysis has been prepared. It is available for public viewing as part of the full text of this decision, which may be obtained from the Commission or its copy contractor.

Paperwork Reduction Act Statement

5. The decision contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980. We recognize that there are possibly some recordkeeping and reporting requirements imposed upon certified coordinators that cannot be fully defined at this time. Accordingly, when the staff fully develops the procedures for implementing the adopted coordination process, any such recordkeeping and reporting requirements that are identified will be submitted to the Office of Management and Budget for appropriate clearance.

Effective Dates

6. In order to give coordinators sufficient opportunity to meet the requirements put forth here, we are making the rules and procedures adopted effective six months from the date the summary of this item is published in the **Federal Register**. All applications filed after the date will have to follow the new coordination procedures as prescribed herein. This effective date will not apply, however, to the capability of the coordinator to access the Commission's data base. We will require coordinators to be able to access the Commission's data base three months after notice is given that such a service is available. We expect each of the certified coordinators to meet the functions and requirements in the time frame specified. Coordinators not meeting the terms of their certification are subject to Commission review and, if necessary, decertification as discussed above.

Ordering Clause

7. Accordingly, it is ordered, that effective October 22, 1986, Parts 0, 1, and 90 of the Commission's Rules, 47 CFR, are amended as set forth and this proceeding is terminated. Authority for this action is found in section 4(i), 303, and 331 of the Communcations Act of 1934, as amended 47 U.S.C. 154(i), 303, and 332.

8. For further information on this proceeding contact Eugene Thomson, or Herb Zeiler, Rules Branch, Land Mobile and Microwave Division, Private Radio Bureau, Federal Communcations Commission, Washington, DC 20554, telephone (202) 634–2443.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Parts 0, 1, and 90 of the Commission's Rules and Regulations are amended as follows:

The authority citation for Part 0 continues to read:

Authority: Sec. 5, 48 Stat. 1068 as amended; 47 U.S.C. 155, unless otherwise noted.

The authority citation for Part 1 continues to read:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, Implement 5 U.S.C. 552, unless otherwise noted.

The authority citation for Part 90 continues to read:

Authority: Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303 unless otherwise noted.

PART 0—[AMENDED]

1. Section 0.131 is amended by adding a new paragraph (g) to read as follows:

§ 0.131 Functions of the Bureau.

* * * * *

(g) Certifies frequency coordinators in the Private Land Mobile Radio Services, considers petitions seeking review of coordinator actions, and engages in oversight of coordinator actions and practices.

2. Section 1.912 is amended by adding a new paragraph (b) to read as follows:

§ 1.912 Where applications are to be filed.

* * * * *

(b) All applications for private land mobile licenses which require frequency coordination and all correspondence relating thereto shall be first sent to the certified frequency coordinator for the radio service or frequency group concerned. After the appropriate frequency coordination, such applications shall be forwarded by the coordinator to the Federal Communications Commission, Gettysburg, PA. 17325.

* * * * *

3. In § 90.7, the term of Frequency advisor is changed to Frequency coordinator and the definition is revised to read as follows:

§ 90.7 Definitions.

* * * * *

Frequency coordinator. An entity or organization that has been certified by the Commission to recommend frequencies for use by licensees in the Private Land Mobile Radio Services.

* * * * *

4. Section 90.17 is amended by revising paragraph (c)(3) to read as follows:

§ 90.17 Local Government Radio Service.

* * * * *

(c) * * *

(3) The maximum output power of any transmitter authorized to operate on this frequency shall not exceed 2 watts.

* * * * *

5. Section 90.53 is amended by revising the bands 155.160–155.400 in the Table in paragraph (a), removing and reserving paragraph (b)(8), and revising paragraph (b)(31).

§ 90.53 Frequencies available.

* * * * *

(a) * * *

SPECIAL EMERGENCY RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station	Limitations
*	*	*
155.160	Base or mobile	25
155.175	do	25
155.205	do	25
155.220	do	25
155.235	do	25
155.265	do	25
155.280	do	25
155.295	do	25
155.325	do	9, 25, and 29
155.340	do	10, 29
155.355	do	9, 25, and 29
155.385	do	9, 25, and 29
155.400	do	9, 25, and 29

(b) * * *

(8) (Reserved)

* * * * *

(31) This frequency is removed by 22.5 kHz from frequencies assigned to other radio services. Utilization of this frequency may result in, as well as be subject to, interference under certain operating conditions. In considering the use of this frequency, adjacent channel operations should be taken into consideration. If interference occurs, the licensee may be required to take the necessary steps to resolve the problem. See § 90.173(b).

* * * * *

6. Section 90.63 is amended by revising paragraph (d)(15) to read as follows:

§ 90.63 Power Radio Service.

* * * * *

(d) * * *

(15) This frequency is available on a shared basis in the Power, Petroleum, Forest Products, Manufacturers, and Telephone Maintenance Radio Services. It may be assigned only when all of the frequencies in the 450–470 MHz band allocated to the service in which the applicant is primarily eligible are assigned within 56 km. (35 mi) of the proposed base station.

* * * * *

7. Section 90.65 is amended by revising paragraph (c)(37) to read as follows:

§ 90.65 Petroleum Radio Service.

* * * * *

(c) * * *

(37) This frequency is shared with the Special Industrial Radio Service and is available for assignment in the Petroleum Radio Service only in the states of Texas and Louisiana within 75 miles of the Gulf of Mexico and in adjacent offshore waters. Mobile relay stations will not be authorized.

* * * * *

8. Section 90.67 is amended by revising paragraphs (c)(18) and (c)(29) to read as follows:

§ 90.67 Forest Products Radio Service.

* * * * *

(c) * * *

(18) This frequency is available on a shared basis in the Power, Petroleum, Forest Products, Manufacturers, and Telephone Maintenance Radio Services. It may be assigned only when all of the frequencies in the 450–470 MHz band allocated to the service in which the applicant is primarily eligible are assigned within the 56 km. (35 mi) of the proposed base station.

* * * * *

(29) This frequency is shared with the Taxicab and Special Industrial Radio Services. Use of this frequency is limited to stations located at least 80.5 km (50 miles) from the center of any urbanized area of 600,000 or more population (U.S. Census of Population, 1970). All operations on this frequency are limited to a maximum transmitter output power of 75 watts.

* * * * *

9. Section 90.73 is amended by revising paragraphs (d)(28), (30), (32), and (e)(4) except table, to read as follows:

§ 90.73 Special Industrial Radio Service.

* * * * *

(d) * * *

(28) This frequency is shared with the Taxicab and Forest Products Radio Services. Use of this frequency is limited to stations located at least 80.5 km (50 miles) from the center of any urbanized area of 600,000 or more population (U.S. Census of Population, 1970). All operations on this frequency are limited to a transmitter output power of 75 watts.

* * * * *

(30) This frequency is shared with other Industrial Radio Services and is available for assignment in the Special Industrial Radio Service only in the States of North Dakota, South Dakota, Iowa, Nebraska, Kansas, and Missouri beyond 50 miles from St. Louis and Kansas City; Wyoming and Colorado east of Longitude 106 degrees except within a 50 mile radius of Denver; and

Minnesota south of Latitude 47 degrees except within a 50 mile radius of St. Paul, Minnesota. The maximum transmitter output power may not exceed 110 watts.

* * * * *

(32) This frequency is shared with other Industrial Radio Services and is available for assignment in the Special Industrial Radio Service only in the States of North Dakota, South Dakota, Iowa, Nebraska, Kansas, Missouri, Colorado, and Wyoming east of Latitude 106 degrees; and Minnesota south of Latitude 47 degrees. The maximum transmitter output power may not exceed 110 watts.

* * * * *

(e) * * *

(4) The following frequencies are available only in Puerto Rico and the Virgin Islands. These "Base and Mobile" and "Mobile only" frequencies are available on a shared basis in the Forestry-Conservation and Railroad Radio Services respectively. These "Mobile only" frequencies may be assigned to a control station associated with a mobile relay system if it is also assigned to the associated mobile station.

* * * * *

10. Section 90.79 is amended by revising paragraphs (d)(4) and (d)(13) to read as follows:

§ 90.79 Manufacturers Radio Service.

* * * * *

(d) * * *

(4) This frequency is available on a shared basis in the Manufacturers, Special Industrial and Railroad Radio Services.

* * * * *

(13) This frequency is available on a shared basis in the Power, Petroleum, Forest Products, Manufacturers, and Telephone Maintenance Radio Services. It may be assigned only when all of the frequencies in the 450–470 MHz band allocated to the service in which the applicant is primarily eligible are assigned within 56 km. (35 mi) of the proposed base station.

* * * * *

11. Section 90.81 is amended by revising paragraph (d)(4) to read as follows:

§ 90.81 Telephone Maintenance Radio Service.

* * * * *

(d) * * *

(4) This frequency is available on a shared basis in the Power, Petroleum, Forest Products, Manufacturers, and Telephone Maintenance Radio Services. Except for assignments made to non-wire line radiocommunications common carriers authorized in the Point-to-Point Microwave Radio Service under Part 21 it may be assigned only when all of the base and mobile frequencies in the 450–470 MHz band for which the applicant is primarily eligible are assigned within 56 km. (35 mi.) of the proposed base station.

* * * * *

12. Section 90.89 is amended by revising paragraph (c)(10) to read as follows:

§ 90.89 Motor Carrier Radio Service.

* * * * *

(c) * * *

(10) This frequency is shared in the Motor Carrier and Railroad Radio Services. It may be assigned only when all of the frequencies in the 450–470 MHz band allocated to the service in which the applicant is primarily eligible are assigned within 56 km. (35 mi.) of the proposed base station.

* * * * *

13. Section 90.91 is amended by revising paragraph (c)(10) to read as follows:

§ 90.91 Railroad Radio Service.

* * * * *

(c) * * *

(10) This frequency is shared in the Motor Carrier and Railroad Radio Services. It may be assigned only when all of the frequencies in the 450–470 MHz band allocated to the service in which the applicant is primarily eligible are assigned within 56 km. (35 mi.) of the proposed base station.

* * * * *

14. Section 90.93 is amended by revising paragraph (c)(11) to read as follows:

§ 90.93 Taxicab Radio Service.

* * * * *

(c) * * *

(11) This frequency is shared with the Forest Products and Special Industrial Radio Services. Use of this frequency is limited to stations located at least 80.5 km. (50 miles) from the center of any urbanized area of 600,000 or more population (U.S. Census of Population, 1970).

* * * * *

15. Section 90.111 is revised to read as follows:

§ 90.111 Scope.

This subpart contains the procedures and requirements for the submission or filing of applications for authority to operate radio facilities under this part. The procedures described as those utilized by the Commission after receiving filed applications.

16. Section 90.119 is amended by revising paragraph (a)(2)(ii) to read as follows:

§ 90.119 Application forms.

* * * * *

(a) * * *

(2) * * *

(ii) If the control station(s) will operate on the same frequency as the mobile station, and if the height of the control station(s) antenna(s) will not exceed 6.1 meters (20 feet) above ground or an existing man-made structure (other than an antenna structure), there is no limit on the number of such stations which may be authorized. Items 1 through 5 or Form 574 shall be completed showing the frequency, the station class, the total number of control stations, the emission, and the output power of the highest powered control station. Applicants for all control stations in the 470–512 MHz band must furnish the information requested in Items 1–11 of Form 574.

* * * * *

17. Section 90.127 is amended by revising the section heading and paragraph (a) to read as follows:

§ 90.127 Submission and filing of applications.

(a) All applications for station authorizations which require frequency coordination in accordance with § 90.175 and any correspondence relating thereto, must initially be submitted to the certified frequency coordinator for the radio service or frequency group involved. After the completion of frequency coordination, these applications shall be forwarded by the coordinator to the Federal Communications Commission, Gettysburg, Pennsylvania, 17325. All other applications shall be filed by the applicant directly with the Federal Communications Commission, Gettysburg, PA, 17325. A listing of the certified frequency coordinators may be obtained from the Federal Communications Commission, Gettysburg, PA 17325.

* * * * *

18. In § 90.129, the introductory paragraph is revised to read as follows:

§ 90.129 Supplemental information to be routinely submitted with applications.

Each application received by the Commission must be accompanied by the applicable information listed below:

* * * * *

19. Section 90.135 is revised to read as follows:

§ 90.135 Modification of license.

(a) The following changes in authorized stations require an application for modification of license:

(1) Change in frequency.

(2) Change in the type of emission.

(3) Change in power from that authorized.

(4) Change in antenna height from that authorized.

(5) Change in the location or number of base stations, fixed, control, or mobile transmitters from that authorized, including area of mobile operations.

(6) Change in the class of a land station, including changing from multiple licensed to cooperative use, and from shared to unshared use.

(7) Any change in ownership, control, or corporate structure.

(b) The following changes in authorized stations do not require an application for modification of license.

(1) Change in mailing address of licensee.

(2) Change of name only of licensee, without changes in ownership, control, or corporate structure.

(3) Change in the number and location of station control points or of control stations operating below 470 or above 800 MHz meeting the requirements of § 90.119(a)(2)(ii).

(4) Change in the number of mobile units operated by Radiolocation Service licensees.

(5) Any other changes not listed in paragraph (a) of this section.

(c) Unless specifically exempted in § 90.175, requests for modifications listed in paragraph (a) of this section must be submitted on Form 574 to the applicable frequency coordinator.

(d) In case of a change listed in paragraph (b)(1) or (b)(2) of this section, the licensee must notify the Commission immediately. Notification may be by Form 405–A or by letter. The letter must contain the name and address of the licensee as they appear in the Commission's records, the new name or address, the call signs and classes of all radio stations authorized to the licensee under this part and the radio service in which each station is authorized. The completed and signed Form 405–A or the letter must be sent to: Federal Communication Commission, Gettysburg, Pennsylvania 17325. Licensees whose licenses are due for renewal and who have received the renewal Form 574–R in the mail from the Commission must use the appropriate boxes on that form to notify the Commission of a change listed in paragraph (b)(1) or (b)(2) of this section.

(e) In the case of a change listed in paragraphs (b)(3), (b)(4), and (b)(5) of this section, the licensee must notify the Commission within 30 days of the change. The notice may be filed on FCC Form 574 or may be contained in a letter specifying the nature of the change, the name and address of the licensee as appearing on Commission records, and the call sign, class, and radio service of the station. The notice must be sent to: Federal Communications Commission, Gettysburg, Pennsylvania 17325.

20. Section 90.137 is amended by revising paragraph (a) introductory text and adding paragraph (a)(3) to read as follows:

§ 90.137 Applications for operation at temporary locations.

(a) An application for authority to operate a base or a fixed transmitter at temporary locations shall be filed in accordance with the following:

(3) Applications for operation at temporary locations exceeding 180 days must be accompanied by evidence of frequency coordination.

* * * * *

21. Section 90.139 is amended by revising the section heading and paragraph (b) as follows:

§ 90.139 Commission processing of applications.

* * * * *

(b) Applications which are incomplete with respect to answers, supplementary statements, execution, or other matters of a formal character shall be deemed defective and may be dismissed. In addition, if an applicant is requested to file any additional documents or information not included in the prescribed application form, failure to comply with such request will render the application defective and it may be dismissed. Applications will also be deemed to be defective and be dismissed in the following cases:

(1) Statutory disqualification of applicant;

(2) Proposed use or purpose of station would be unlawful;

(3) Requested frequency is not allocated for assignment for the service proposed.

* * * * *

22. Section 90.141 is revised to read as follows:

§ 90.141 Resubmitted applications.

Any application received by the Commission for frequencies below 470 MHz which has been returned by the Commission to the applicant for correction will be processed in its original position in the processing line if it is resubmitted and received by the Commission within 60 days from the date on which it was returned to the applicant. Otherwise it will be treated as a new application for the purpose of processing considerations. An application received by the Commission for frequencies above 470 MHz which has been returned by the Commission to the applicant will be processed in its original position in the processing line if it is resubmitted and received by the Commission within 30 days (45 days outside the continental United States) from the date on which it was returned to the applicant. Otherwise it will be treated as a new application for the purpose of processing considerations.

23. Section 90.145 is amended by adding a new paragraph (c) to read as follows:

§ 90.145 Special temporary authority.

* * * * *

(c) Requests for special temporary authority to operate for periods exceeding 180 days require evidence of frequency coordination. Requests for shorter periods do not require coordination and, if granted will be authorized on a secondary, non-interference basis.

24. In § 90.151, paragraphs (a) and (d) are revised to read as follows:

§ 90.151 Requests for waiver.

(a) Requests for waiver of the rules in this part shall state the nature of the waiver or exception desired, and set forth reasons in support thereof including a showing that unique circumstances are involved and that there is no reasonable alternative solution within existing rules. When related to a specific application the submission and filing procedures of § 90.127 also apply.

* * * * *

(d) Requests for waiver of the rules not related to a specific application shall be submitted to the Federal Communications Commission, Gettysburg, PA 17325.

25. Section 90.159 is revised to read:

§ 90.159 Temporary permit.

An applicant for a private land mobile station license utilizing an already authorized facility may operate the radio station(s) for a period of up to 180 days under a temporary permit evidenced by a properly executed temporary license certificate (Form 572) after submitting or filing a formal application for station license in accordance with § 90.127, provided that all the antennas employed by control stations are twenty feet or less above ground or twenty feet or less above a man-made structure other than an

antenna tower to which it is affixed. When required by § 90.175, applications must be accompanied by evidence of frequency coordination. The temporary operation of stations, other than mobile stations within the Canadian coordination zone is limited to stations with a maximum of 5 watts effective radiated power and a maximum antenna height of 6.1 meters (20 ft.) above average terrain.

26. Section 90.175 is revised to read as follows:

§ 90.175 Frequency coordination requirements.

Except for applications listed in paragraph (f) of this section, each application for a new frequency assignment, for a change in existing facilities as listed in § 90.135 (a), for a reinstatement of an authorization expired for more than 6 months, or for operation at temporary locations in accordance with § 90.137, must include a showing of frequency coordination as set forth below. When frequencies are shared by more than one service, concurrence must be obtained from the other applicable certified coordinators.

(a) For frequencies between 25 and 470 MHz. A statement from the applicable frequency coordinator recommending the most appropriate frequency. The coordinator's recommendation may appropriately include comments on technical factors such as power, antenna height and gain, terrain, and other factors which may serve to mitigate potential interference. Except for narrowband operations, the coordinator must not recommend any adjacent channel frequency 15 kHz removed to existing stations which would result in a separation of less than 10 miles, or 7 miles in the Taxicab Radio Service. If the frequency recommended is in the 150–170 MHz band, and is 17.5 kHz or less removed from a frequency which is available to another radio service, the coordinator's statement must show that approval has been received from the coordinator for the other service. Coordination with another service is not required, however, for narrowband assignments more than 5 kHz removed from other narrowband assignments.

(b) For frequencies between 470 and 512 MHz and 806–821/851–866 MHz. A statement from the applicable coordinator recommending specific frequencies which are available for assignment in accordance with the loading standards and mileage separations applicable to the specific radio service or category of user involved.

(c) For frequencies in the 929–930 MHz band. A statement from the coordinator recommending the most appropriate frequency.

(d) Any recommendation submitted in accordance with paragraphs (a), (b) or (c) of this section is advisory in character and is not an assurance that the Commission will grant a license for operation on that frequency. Therefore, applicants are strongly advised not to purchase radio equipment operating on specific frequencies until a valid authorization has been obtained from the Commission.

(e) Applications for facilities near the Canadian border north of line A or east of line C in Alaska may require coordination with the Canadian government. See Section 1.955 of this chapter.

(f) The following applications need not be accompanied by evidence of frequency coordination:

(1) Applications for frequencies below 25 MHz.

(2) Applications for a Federal Government frequency.

(3) Applications for frequencies in the 72–76, 216–220, and 1427–1435 MHz bands.

(4) Applications for a frequency to be used for developmental purposes.

(5) Applications in the Special Industrial Radio Service or the Business Radio Service requesting a frequency designated for itinerant operation only.

(6) Applications in the Radiolocation Service.

(7) Application for 800 MHz trunked frequencies listed in § 90.362 of this part.

(8) Applications for 800 MHz SMRS pool frequencies listed in § 90.617(d) and § 90.619.

(9) Applications indicating license assignments such as change in ownership, control or corporate structure if there is no change in technical parameters.

(10) Applications for mobile stations operating in the 470–512 and 800 MHz bands if the frequency pair is assigned to a single system on an exclusive basis in the proposed area of operation.

(11) Applications for add-on base stations in multiple licensed systems operating in the 470–512 and 800 MHz bands if the frequency pair is assigned to a single system on an exclusive basis.

(12) Applications for control stations operating below 470 or above 800 MHz and meeting the requirements of § 90.119(a)(2)(ii).

27. Section 90.176 is amended by revising paragraphs (a)(1), (a)(3), (b)(1), and (b)(3) to read as follows:

§ 90.176 Interservice sharing of frequencies in the 150–174 and 450–470 MHz bands.

(a) * * *

(1) A determination by the applicable frequency coordinator that there are no satisfactory frequencies available within the applicant's own radio service in the area of desired operation;

* * * * *

(3) A statement from the frequency coordinator having responsibility for coordination in the radio service or group in which the frequency is assigned concurring in its assignment in the manner requested. In cases where concurrence is not given, the coordinator must provide an explanation of why the requested sharing is inappropriate.

* * * * *

(b) * * *

(1) A determination by the applicable frequency coordinator that there are no satisfactory frequencies available within the applicant's own radio service in the area of desired operation;

* * * * *

(3) A statement from the frequency coordinator having responsibility for coordination in the radio service or group in which the frequency in question is assigned concurring in its assignment in the manner proposed. In cases where concurrence cannot be given, the coordinator must provide an explanation of why sharing is inappropriate.

* * * * *

28. In § 90.237, the introductory paragraph is revised to read as follows:

§ 90.237 Interim provisions for operations of radioteleprinter and radiofacsimile devices.

These provisions authorize and govern the use of radioteleprinter and radiofacsimile devices for base station use (other than on mobile-only or paging-only frequencies) in the radio services (except in the Radiolocation and Special Emergency Radio Services) in this part.

* * * * *

29. Section 90.477 is amended by revising paragraph (a) to read as follows:

§ 90.477 Interconnected systems.

(a) Applicants for new land stations to be interconnected with the public switched telephone network must indicate on their applications (class of station code) that their stations will be interconnected. Licensees of land stations that are not interconnected may interconnect their stations with the

public switched telephone network only after modifying their license. See § 90.135. In all cases a detailed description of how interconnection is accomplished must be maintained by licensees as part of their station records. See § 90.433.

* * * * *

30. Section 90.494 is amended by revising paragraph (b) to read as follows:

§ 90.494 One-way paging operations in the 929–930 MHz band.

* * * * *

(b) All applications for these frequencies must comply with the frequency coordination requirements of § 90.175(c).

* * * * *

31. Section 90.605 is revised to read as follows:

§ 90.605 Forms to be used.

Applications for conventional and trunked radio facilities must be prepared on FCC Forms 574 and 574A and must be submitted or filed in accordance with § 90.127.

32. Section 90.607 is amended by adding a new paragraph (e) to read as follows:

§ 90.607 Supplemental information to be furnished by applicants for facilities under this subpart.

* * * * *

(e) Except for applicants requesting frequencies in the SMRS category listed in § 90.617(d) and § 90.619, all applicants for frequencies governed by this subpart must comply with the frequency coordination requirements of § 90.175(b).

33. Section 90.621 is amended by revising paragraphs (a) and (c) to read as follows:

§ 90.621 Selection and assignment of frequencies.

(a) Applications in the Public Safety/Special Emergency, Industrial/Land Transportation, and Business categories and for frequencies in the conventional category must specify the frequencies on which the proposed system will operate pursuant to a recommendation by the applicable frequency coordinator. Applicants for SMRS trunked frequencies may either request specific frequencies by including in their applications justification for the frequencies requested or may request the Commission to select frequencies for the system.

* * * * *

(c) Trunked systems authorized on frequencies in the Public Safety, Industrial/Land Transportation, and Business Categories will be protected solely on the basis of predicted contours. Coordinators will attempt to provide a 40 dBu contour and to limit co-channel interference levels to 30 dBu over an applicant's requested service area. This would result in a mileage separation of 70 miles for typical system parameters. Separations will be less than 70 miles where the requested service areas, terrain or other factors warrant reduction. In the event that the separation, is less than 70 miles, the coordinator must indicate that the protection criteria have been preserved or that the affected licensees have agreed in writing to the proposed system. Only co-channel interference between base station operations will be taken into consideration. Adjacent channel and other types of possible interference will not be taken into account.

* * * * *

34. Section 90.657 is revised to read as follows:

§ 90.657 Temporary permit.

An applicant for a Subpart S radio station license utilizing an already authorized facility may operate the radio station(s) for a period of up to 180 days under a temporary permit evidenced by a properly executed certification of FCC Form 572 after filing a formal application for station license together with evidence of frequency coordination (when required), provided that the antenna(s) employed by the control station(s) is (are) twenty feet or less above ground or twenty feet or less above a man-made structure other than an antenna tower to which it is affixed.

[FR Doc. 86–8912 Filed 4–21–86; 8:45 am]
BILLING CODE 6712–01–M

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47 CFR Parts 1, 21, 63, 90 and 94

[Gen. Docket No. 79–163; FCC 85–626]

Environmental Rules in Response to New Regulations Issued by the Council on Environmental Quality

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action amends §§ 1.1301–1.1319 of the Commission's environmental rules.

This action is taken by the Commission to conform its environmental rules to the regulations issued by the Council on Environmental Quality.

EFFECTIVE DATE: July 21, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: A. Holly Kaufman, Office of General Counsel, (202) 632–6990.

SUPPLEMENTARY INFORMATION: Amendment of Environmental Rules in Response to New Regulations Issued by the Council on Environmental Quality, Gen. Docket 79–163.

This is a summary of the Commission's Report and Order adopted November 25, 1984, and released March 26, 1986. Additional information is contained in the complete Commission decision which is available for viewing and copying during normal business hours in the FCC Dockets Branch (Room 239) 1919 M Street, NW., Washington DC 20554. The full text may also be purchased from the Commission's copy contractor, International Transcription Service, 2100 M St., NW., Suite 140, Washington, DC (202) 857–3800. The public should also be aware that the full text of the Commission's decision is available in the FCC Reports, Pike and Fischer Radio Regulations, as well as other commercial research and copying vendors.

Summary of Report and Order:

1. The Commission has revised its rules to conform to the regulations issued by the Council on Environmental Quality (CEQ), 40 CFR 1500–1508.28, which administers the National Environmental Policy Act, 42 U.S.C. 4321–4361.

2. Based upon the Commission's experience, we have determined that the telecommunications industry does not generally raise environmental concerns. The comments filed in this proceeding support the Commission's determination. Thus, we have categorically excluded most Commission actions from environmental processing requirements. The Commission has reduced to three general areas the types of actions that may have a significant environmental impact to include cases in which facilities: (1) Will be located in sensitive areas (e.g. wildlife preserves); (2) will involve high intensity lighting in residential areas; and/or (3) will expose workers or the general public to levels of radiofrequency radiation which would exceed the applicable health and safety standards set forth in § 1.1307(b) of our rules. Actions that may have a significant environmental impact are subject to environmental processing requirements. In addition, the rules include a "safety value" provision,

which permits the Commission to require environmental processing on a case-by-case basis. Finally, the Commission's revised rules also adopt the CEQ uniform terminology and procedural requirements.

3. The Commission's revised rules will streamline environmental processing by reducing unnecessary paperwork and burdens upon the administration and the public, as well as ensure that environmental considerations are given appropriate consideration in our decision-making.

4. *Ordering Clause.*

Accordingly, it is ordered, that, effective 90 days after publication in the **Federal Register**, that Parts 1, 23, 63, 90 and 94 of the Rules and Regulations (47 CFR Parts 1, 23, 63, 90 and 94) are amended as set forth below.

List of Subjects

47 CFR Part 1

Administrative practice and procedure. Reporting and recordkeeping requirements. Environmental Rules.

47 CFR Part 21

Reporting and recordkeeping requirements.

47 CFR Part 63

Reporting and recordkeeping requirements.

47 CFR Part 90

Reporting and recordkeeping requirements.

47 CFR Part 94

Reporting and recordkeeping requirements.

William J. Tricarico,

Secretary.

Parts 1, 21, 63, 90, and 94 of Chapter 1 of Title 47 of the Code of Federal Regulations are amended as follows:

1. The authority citation for Part 1 continues to read:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303.

2. Section 1.1301 is revised to read:

§ 1.1301 Basis and purpose.

The provisions of this subpart implement Subchapter I of the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321–4335.

3. Section 1.1302 is added to read:

§ 1.1302 Cross-Reference; Regulations of the Council on Environmental Quality.

A further explanation regarding implementation of the National Environmental Policy Act is provided by the regulations issued by the Council on Environmental Quality, 40 CFR 1500–1508.28.

4. Section 1.1303 is revised to read:

§ 1.1303 Scope.

The provisions of this subpart shall apply to those Commission actions which may or will have a significant impact on the quality of the human environment.

5. Section 1.1304 is added to read:

§ 1.1304 Information and assistance.

For general information and assistance concerning the provisions of this subpart, the Office of General Counsel may be contacted, (202) 632–6990. For more specific information, the Bureau responsible for processing a specific application should be contacted.

6. Section 1.1305 is revised to read:

§ 1.1305 Actions which normally will have a significant impact upon the environment, for which Environmental Impact Statements must be prepared.

Any Commission action deemed to have a significant effect upon the quality of the human environment requires the preparation of a Draft Environmental Impact Statement (DEIS) and Final Environmental Impact Statement (FEIS) (collectively referred to as EISs) (*see* §§ 1.1314, 1.1315 and 1.1317). The Commission has reviewed representative actions and has found no common pattern which would enable it to specify actions that will thus automatically require EISs.

Note.—Our current application forms refer applicants to § 1.1305 to determine if their proposals are such that the submission of environmental information is required (*see* § 1.1311). Until the application forms are revised to reflect our new environmental rules, applicants should refer to § 1.1307. Section 1.1307 now delineates those actions for which applicants must submit environmental information.

7. Section 1.1306 is added to read:

§ 1.1306 Actions which are categorically excluded from environmental processing.

(a) Except as provided in § 1.1307 (c) and (d), Commission actions not covered by § 1.1307 (a) and (b) are deemed individually and cumulatively to have no significant effect on the quality of the human environment and are categorically excluded from environmental processing.

(b) Specifically, any Commission action with respect to any new application, or minor or major modifications of existing or authorized facilities or equipment, will be categorically excluded, provided such proposals do not:

(1) Involve a site location specified under § 1.1307(a) (1)–(5), or

(2) Involve high intensity lighting under § 1.1307(a)(6).

(3) Result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in § 1.1307(b).

Note 1.—The provisions of § 1.1307(a) do not encompass the mounting of antennas on an existing building or antenna tower, unless the antenna(s) to be mounted is (are) subject to the provisions of § 1.1307(b) and would result in human exposure to radiofrequency radiation in excess of the applicable health and safety guidelines cited in § 1.1307(b). Otherwise, the use of existing buildings and towers is an environmentally desirable alternative to the construction of new towers and is encouraged.

Note 2.—The specific height of an antenna tower or supporting structure, as well as the specific diameter of a satellite earth station, in and of itself, will not be deemed sufficient to warrant environmental processing, *see* §§ 1.1307 and 1.1308.

Note 3.—The construction of an antenna tower or supporting structure in an established "antenna farm": (i.e., an area in which similar antenna towers are clustered, whether or not such area has been officially designated as an antenna farm), will be categorically excluded unless one or more of the antennas to be mounted on the tower or structure are subject to the provisions of § 1.1307(b) and the additional radiofrequency radiation from the antenna(s) on the new tower or structure would cause human exposure in excess of the applicable health and safety guidelines cited in § 1.1307(b).

8. Section 1.1307 is added to read:

§ 1.1307 Actions which may have a significant environmental effect, for which environmental assessments (EAs) must be prepared.

(a) Commission actions with respect to the following types of facilities may significantly affect the environment and thus require the preparation of EAs by the applicant (see §§ 1.1308 and 1.1311) and may require further Commission environmental processing (*see* §§ 1.1314, 1.1315 and 1.1317):

(1) Facilities that are to be located in an officially designated wilderness area.

(2) Facilities that are to be located in an officially designated wildlife preserve.

(3) Facilities that will affect districts, sites, buildings, structures or objects, significant in American history, architecture, archeology or culture, that are listed in the National Register of Historic Places or are eligible for listing. (*See* 36 CFR §§ 60, 63 and 800).

Note: The National Register is updated and re-published in the **Federal Register** each year in February.

(4) Facilities to be located in a floodplain. (*See* Executive Order 11988).

(5) Facilities whose construction will involve significant change in surface features (e.g., wetland fill, deforestation or water diversion). (In the case of wetlands on Federal property, *see* Executive Order 11990).

(6) Antenna towers and/or supporting structures that are to be equipped with high intensity white lights which are located in residential neighborhoods, as defined by the applicable zoning law.

(b) In addition to the actions listed in paragraph (a) Commission actions granting construction permits, licenses to transmit or renewals thereof, or Commission actions authorizing modifications in existing facilities, will require the preparation of an EA if the particular facility or operation would cause exposure of workers or the general public to levels of radiofrequency radiation in excess of the "Radio Frequency Protection Guides" recommended in "American National Standard Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 300 kHz to 100 GHz," (ANSI C95.1–1982), issued by the American National Standards Institute (ANSI), 1430 Broadway, New York, New York 10018, Copyright 1982 by the Institute of Electrical and Electronics Engineers, Inc., 345 East 47th Street, New York, New York 10017.

Note.—The provisions of paragraph (b) shall only apply to facilities and services licensed or authorized under Parts 5, 25, 73, and 74 (Subparts A and G only) of the FCC Rules and Regulations.

(c) If an interested person alleges that a particular action, otherwise categorically excluded, will have a significant environmental effect, the person shall submit to the Bureau responsible for processing that action a written petition setting forth in detail the reasons justifying or circumstances necessitating environmental consideration in the decision-making process. (*See* § 1.1313). The Bureau shall review the petition and consider the environmental concerns that have been raised. If the Bureau determines that the action may have a significant environmental impact, the Bureau will require the applicant to prepare an EA (*see* §§ 1.1308 and 1.1311), which will serve as the basis for the determination to proceed with or terminate environmental processing.

(d) If the Bureau responsible for processing a particular action, otherwise categorically excluded, determines that the proposal may have a significant environmental impact, the Bureau, on its own motion, shall require the applicant to submit an EA. The Bureau will review and consider the EA as in paragraph (c) of this section.

9. Section 1.1308 is added to read:

§ 1.1308 Consideration of environmental assessments (EAs); findings of No significant impact.

(a) Applicants shall prepare EAs for actions that may have a significant environmental impact (*see* § 1.1307). An EA is described in detail in § 1.1311 of this part of the Commission rules.

(b) The EA is a document which shall explain the environmental consequences of the proposal and set forth sufficient analysis for the Bureau or the Commission to reach a determination that the proposal will or will not have a significant environmental effect. To assist in making that determination, the Bureau or the Commission may request further information from the applicant, interested persons, and agencies and authorities which have jurisdiction by law or which have relevant expertise.

(c) If the Bureau or the Commission determines, based on an independent review of the EA, that the proposal will have a significant environmental impact upon the quality of the human environment, it will so inform the applicant. The applicant will then have an opportunity to amend its application so as to reduce, minimize or eliminate environmental problems, *see* § 1.1309. If the environmental problem is not eliminated, the Bureau will publish in the **Federal Register** a Notice of Intent (*see* 1§ 1.1314) that EISs will be prepared (*see* §§ 1.1315 and 1.1317), or

(d) If the Bureau or Commission determines, based on an independent review of the EA that the proposal would not have a significant impact, it will make a finding of no significant impact. Therefore, the application will be processed without further consideration of environmental effect. Pursuant to CEQ regulations, *see* 40 CFR 1501.4 and 1501.6, the applicant must provide the community notice of the Commission's finding of no significant impact.

10. Section 1.1309 is added to read:

§ 1.1309 Application amendments.

Applicants are permitted to amend their applications to reduce, minimize or eliminate potential environmental problems. As a routine matter, an applicant will be permitted to amend its application within thirty (30) days after the Commission or the Bureau informs the applicant that the proposal will have a significant impact upon the quality of the human environment (*see* § 1.1308(c)). The period of thirty (30) days may be extended upon a showing of good cause.

11. Section 1.1311 is revised to read:

§ 1.1311 Environmental information to be included in the environmental assessment (EA).

(a) The applicant shall submit an EA with each application that is subject to environmental processing (*see* § 1.1307). The EA shall contain the following information:

(1) For antenna towers and satellite earth stations, a description of the facilities as well as supporting structures and appurtenances, and a description of the site as well as the surrounding area and uses. If high intensity white lighting is proposed or utilized within a residential area, the EA must also address the impact of this lighting upon the residents.

(2) A statement as to the zoning classification of the site, and communications with, or proceedings before and determinations (if any) made by zoning, planning, environmental or other local, state or federal authorities on matters relating to environmental effect.

(3) A statement as to whether construction of the facilities has been a source of controversy on environmental grounds in the local community.

(4) A discussion of environmental and other considerations which led to the selection of the particular site and, if relevant, the particular facility; the nature and extent of any unavoidable adverse environmental effects, and any alternative sites or facilities which have been or might reasonably be considered.

(5) Any other information that may be requested by the Bureau or Commission.

(b) The information submitted in the EA shall be factual (not argumentative or conclusory) and concise with sufficient detail to explain the environmental consequences and to enable the Commission or Bureau, after an independent review of the EA, to reach a determination concerning the proposal's environmental impact, if any. The EA shall deal specifically with any feature of the site which has special environmental significance (*e.g.*, wilderness areas, wildlife preserves, natural migration paths for birds and other wildlife, and sites of historic, architectural, or archeological value). In the case of historically significant sites, it shall specify the effect of the facilities on any district, site, building, structure or object listed in the National Register of Historic Places. 39 FR 6402 (February 19, 1974). It shall also detail any substantial change in the character of the land utilized (*e.g.*, deforestation, water diversion, wetland fill, or other extensive change of surface features). In the case of wilderness areas, wildlife preserves, or other like areas, the

statement shall discuss the effect of any continuing pattern of human intrusion into the area (*e.g.*, necessitated by the operation and maintenance of the facilities).

(c) The EA shall also be accompanied with evidence of site approval which has been obtained from local or federal land use authorities.

(d) To the extent that such information is submitted in another part of the application, it need not be duplicated in the EA, but adequate cross-reference to such information shall be supplied.

(e) An EA need not be submitted to the Commission if another agency of the Federal Government has assumed responsibility for determining whether of the facilities in question will have a significant effect on the quality of the human environment and, if it will, for invoking the environmental impact statement process.

12. Section 1.1312 is added to read:

§ 1.1312 Facilities For which no Construction permit is required.

In the case of facilities for which no construction permit is required or for which a waiver request for a construction permit has been granted under 47 U.S.C. 319(d), the information required by § 1.1311 shall be submitted and ruled on by the Commission, and the environmental processing (if invoked) shall be completed before authorization of the facilities is granted.

13. Section 1.1313 is revised to read:

§ 1.1313 Objections.

(a) In the case of an application to which section 309(b) of the Communications Act applies, objections based on environmental considerations shall be filed as petitions to deny.

(b) Informal objections which are based on environmental considerations must be filed prior to grant of the construction permit, or prior to authorization for facilities that do not require construction permits, or pursuant to the applicable rules governing services subject to lotteries.

14. Section 1.1314 is added to read:

§ 1.1314 Environmental impact statements (EISs).

(a) Draft Environmental Impact Statements (DEISs) (§ 1.1315) and Final Environmental Impact Statements (FEISs) (referred to collectively as EISs) (§ 1.1317) shall be prepared by the Bureau responsible for processing the proposal when the Commission's or the Bureau's analysis of the EA (§ 1.1308) indicates that the proposal will have a significant effect upon the environment and the matter has not been resolved by an amendment.

(b) As soon as practically feasible, the Bureau will publish in the **Federal Register** a Notice of Intent to prepare EISs. The Notice shall briefly identify the proposal, concisely describe the environmental issues and concerns presented by the subject application, and generally invite participation from affected or involved agencies, authorities and other interested persons.

(c) The EISs shall not address non-environmental considerations. To safeguard against repetitive and unnecessarily lengthy documents, the Statements, where feasible, shall incorporate by reference material set forth in previous documents, with only a brief summary of its content. In preparing the EISs, the Bureau will identify and address the significant environmental issues and eliminate the insignificant issues from analysis.

(d) To assist in the preparation of the EISs, the Bureau may request further information from the applicant, interested persons and agencies and authorities, which have jurisdiction by law or which have relevant expertise. The Bureau may direct that technical studies be made by the applicant and that the applicant obtain expert opinion concerning the potential environmental problems and costs associated with the proposed action, as well as comparative analyses of alternatives. The Bureau may also consult experts in an effort to identify measures that could be taken to minimize the adverse effects and alternatives to the proposed facilities that are not, or are less, objectionable. The Bureau may also direct that objections be raised with appropriate local, state or federal land use agencies or authorities (if their views have not been previously sought).

Note.—The Advisory Council on Historic Preservation has adopted formal procedures for such consultation. *See* 36 CFR Part 800.

(e) The Bureau responsible for processing the particular application and, thus, preparing the EISs shall draft supplements to Statements where significant new circumstances occur or information arises relevant to environmental concerns and bearing upon the application.

(f) The Application, the EA, the DEIS, and the FEIS and all related documents, including the comments filed by the public and any agency, shall be part of the administrative record and will be routinely available for public inspection.

(g) If EISs are to be prepared, the applicant must provide the community with notice of the availability of environmental documents and the scheduling of any Commission hearings in that action.

(h) The timing of agency action with respect to applications subject to EISs is set forth in 40 CFR 1506.10. No decision shall be made until ninety (90) days after the Notice of Availability of the Draft Environmental Impact Statement is published in the Federal Register, and thirty (30) days after the Notice of Availability of the Final Environmental Impact Statement is published in the **Federal Register**, which time period may run concurrently, *See* 40 CFR § 1506.10(c); *see also* §§ 1.1315(b) and 1.1317(b).

(i) Guidance concerning preparation of the Draft and Final Environmental Statements is set out in 40 CFR Part 1502.

15. Section 1.1315 is revised to read:

§ 1.1315 The Draft Environmental Impact Statement (DEIS); Comments.

(a) The DEIS shall include:

(1) A concise description of the proposal, the nature of the area affected, its uses, and any specific feature of the area that has special environmental significance;

(2) An analysis of the proposal, and reasonable alternatives exploring the important consequent advantages and/or disadvantages of the action and indicating the direct and indirect effects and their significance in terms of the short and long-term uses of the human environment.

(b) When a DEIS and supplements, if any, are prepared, the Commission shall send five copies of the Statement, or a summary, to the Office of Federal Activities, Environmental Protection Agency. Additional copies, or summaries, will be sent to the appropriate regional office of the Environmental Protection Agency. Public Notice of the availability of the DEIS will be published in the **Federal Register** by the Environmental Protection Agency.

(c) When copies or summaries of the DEIS are sent to the Environmental Protection Agency, the copies or summaries will be mailed with a request for comment to federal agencies having jurisdiction by law or special expertise, to the Council on Environmental Quality, to the applicant, to individuals, groups and state and local agencies known to have an interest in the environmental consequences of a grant, and to any other person who has requested a copy.

(d) Any person or agency may comment on the DEIS and the environmental effect of the proposal described therein within 45 days after

notice of the availability of the statement is published in the Federal Register. A copy of those comments shall be mailed to the applicant by the person who files them pursuant to 47 CFR 1.47. An original and one copy shall be filed with the Commission. If a person submitting comments is especially qualified in any way to comment on the environmental impact of the facilities, a statement of his or her qualifications shall be set out in the comments. In addition, comments submitted by an agency shall identify the person(s) who prepared them.

(e) The applicant may file reply comments within 15 days after the time for filing comments has expired. Reply comments shall be filed with the Commission in the same manner as comments, and shall be served by the applicant on persons or agencies which filed comments.

(f) The preparation of a DEIS and the request for comments shall not open the application to attack on other grounds.

16. Section 1.1317 is revised to read:

§ 1.1317 The Final Environmental Impact Statement (FEIS).

(a) After receipt of comments and reply comments, the Bureau will prepare a FEIS, which shall include a summary of the comments, and a response to the comments, and an analysis of the proposal in terms of its environmental consequences, and any reasonable alternatives, and recommendations, if any, and shall cite the Commission's internal appeal procedures (*See* 47 CFR 1.101–1.120).

(b) The FEIS and any supplements will be distributed and published in the same manner as specified in § 1.1315. Copies of the comments and reply comments, or summaries thereof where the record is voluminous, shall be attached to the FEIS.

17. Section 1.1319 is revised to read:

§ 1.1319 Consideration of the environmental impact statements.

(a) If the action is subject to a hearing:

(1) In rendering his initial decision, the Administrative Law Judge shall utilize the FEIS in considering the environmental issues, together with all other non-environmental issues. In a comparative context, the respective parties shall be afforded the opportunity to comment on the FEIS, and the Administrative Law Judge's decision shall contain an evaluation of the respective applications based on environmental and non-environmental public interest factors.

(2) Upon review of an initial decision, the Review Board and/or the Commission will consider and assess all aspects of the FEIS and will render its decision, giving due consideration to the environmental and nonenvironmental issues.

(b) In all non-hearing matters, the Commission, as part of its decision-making process, will review the FEIS, along with other relevant issues, to ensure that the environmental effects are specifically assessed and given comprehensive consideration.

18. The authority citation for Part 21 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, as amended; 47 U.S.C. 154,303, unless otherwise noted.

19. Section 21.13(e) is revised to read:

§ 21.13 General application requirements.

* * * * *

(e) All applicants are required to indicate at the time their application is filed whether an authorization of the facilities is categorically excluded as defined by § 1.1306 of the Commission's rules. If answered affirmatively, an Environmental Assessment as described by § 1.1311, need not be filed with the application.

* * * * *

20. The authority citation for Part 63 continues to read as follows:

Authority: Sec. 4, 48 Stat. 1066, as amended 47 U.S.C. 154. Interpret or apply sec. 214, 48 Stat. 1075, as amended; 47 U.S.C. 214, unless otherwide noted.

21. Section 63.01(q) is revised to read:

§ 63.01 Contents of applications.

* * * * *

(q) A statement whether an authorization of the facilities is categorically excluded as defined by § 1.1306 of the Commission's rules. If answered affirmatively, an environmental assessment as described in § 1.1311 need not be filed with the application.

22. The authority citation for Part 90 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154,303, unless otherwise noted.

23. Section 90.129(g) is revised to read:

§ 90.129 Supplemental information to be routinely submitted with applications.

* * * * *

(g) The environmental assessment required by §§ 1.1307 and 1.1311 of the rules, if applicable.

* * * * *

24. The authority citation for Part 94 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154,303, unless otherwise noted.

25. Section 94.31(i) is revised to read:

§ 94.31 Supplemental information to be submitted with application.

* * * * *

(i) The environmental assessment required by §§ 1.1307 and 1.1311 of the rules, if applicable.

* * * * *

[FR Doc. 86–8913 Filed 4–21–86; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 69

[CC Docket No. 86–1]

WATS-Related and Other Amendments of Part 69

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This erratum corrects a typographical error contained in the Report and Order in this proceeding concerning WATS-Related and other amendments of Part 69 (FCC 86–115).

FOR FURTHER INFORMATION CONTACT: Sandra Eskin, Common Carrier Bureau, (202) 632–9342.

In FR Doc. 86–6838, on page 10841, in the Federal Register of March 31, 1986, item 11 is corrected to indicate that paragraph (h) is being added to § 69.203 instead of paragraph (g).

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86–8909 Filed 4–21–86; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 85–262; RM–4922]

FM Broadcast Station in King City, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein substitutes Class B1 FM Channel 230 for Channel 221A at King City, California, and modifies the Class A license of Station KLFA(FM), in response to a petition filed by Ralin Broadcasting Corporation. Additionally, Channel 271B is allocated to King City as that community's second local FM broadcast service, in response to an expression of interest by King City Communications Corporation.

EFFECTIVE DATE: May 23, 1986.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:
Nancy V. Joyner, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended. 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Report and Order (Proceeding Terminated)

In the Matter of Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations (King City, California); MM Docket No. 85–262, RM–4922.

Adopted: April 8, 1986.
Released: April 16, 1986.

By the Chief, Policy and Rules Division

1. Before the Commission for consideration is the *Notice of Proposed Rule Making*, 50 FR 35576, published September 3, 1985, issued in response to a petition filed by Ralin Broadcasting Corporation ("petitioner"), licensee of Station KLFA(FM) (Channel 221A), King City, California, proposing the substitution of Channel 230B1 for Channel 221A at its present site and modification of its license accordingly. Additionally, petitioner offered that Channel 238B1 could also be allotted to King City to accommodate any other expressions of interest. Petitioner filed supporting comments reiterating its intention to apply for the channel. Comments and an expression of interest were also filed by King City, Communications Corporation ("KCC"), licensee of Station KRKC(AM), King City, to which petitioner responded.

2. In its comments, KCC avers that the substitution of Channel 230B1 for Channel 221A at petitioner's present site would be an inefficient use of the frequency since Channel 230 could be utilized as a full Class B channel with a site restriction 7.8 kilometers (4.8 miles) southeast of the community. KCC contends that from such restricted site, Channel 230B could provide service to 76% more population in an area 122% greater within the 70 dBu contour, and a population 12% greater, in an area 93% larger, within the 60 dBu contour than could its implementation as a B1, as petitioner proposes.[1]

3. On the basis of the foregoing, KCC advises that it will apply for Channel 230, if allotted as a Class B channel. Accordingly, KCC adds that consistent with the Commission's *Cheyenne, Wyoming* policy, 62 F.C.C. 2d 63 (1976), in light of its expressed interest in Channel 230B, Station KLFA(FM) cannot be modified on Channel 230B1. In further support of its position, KCC states that KLFA's modification proposal on Channel 230B1 must also fail since petitioner has not provided another equivalent or superior channel to 230B for the benefit of other interests, citing *Modification of FM and TV Station Licenses*, 98 F.C.C. 2d 916 (1984). Rather, KCC asserts, Channel 230B, if allotted, must be open to competing applicants, citing *Ashbacker Radio Corporation* v. *FCC*, 326 U.S. 327 (1945).

4. However, KCC adds that petitioner's expressed desire to provide expanded coverage as a B1 facility can be fully accommodated by substituting Channel 238B1 for Channel 221A at a restricted site southeast of King City. Thus, KCC requests that the license for Station KLFA(FM) be modified to specify operation on Channel 238B1 in lieu of Channel 230B1.

5. In response, petitioner agrees with KCC that Channel 230B at a restricted site southeast of King City could provide greater service than would Channel 230B1 at its present site.[2] However, petitioner advises that because it would be difficult to achieve a full Class B1 height of 100 meters (328 feet) at its present location, it intends to relocate to a site 20.0 kilometers (12.4 miles) northeast of the community. Petitioner claims that on the basis of a study conducted similar to that of KCC, from such proposed area, Channel 230B1 could serve 77,837 more persons within the 60 dBu contour than would 230B from a restricted site 7.8 kilometers (4.8 miles) southeast of the community.

6. Further, according to petitioner's engineering statement, a study was conducted with respect to Channel 238B1 at a randomly selected site 27.7 kilometers (17.2 miles) northwest of King City. Petitioner claims that service therefrom could be provided to 172,925 more persons within the 60 dBu contour than could be served by 230B at a restricted site southeast of King City. Although petitioner adds it believes Channel 238B1 would be superior to Channel 230B at KCC's suggested site,[3] it could not be utilized at KLFA's intended site due to spacing constraints.

7. In view of the foregoing, petitioner supports its original proposal and concludes that since it believes Channel 230B1 and 238B1 could serve considerably more population than would Channel 230B at a restricted site south of King City, that it be modified to specify operation on Channel 230B1 and that Channel 238B1 or another available Class B1 channel be allotted to satisfy KCC's expression of interest.

8. Although it may be feasible that two Class B1 stations at King City, as suggested by petitioner, could be superior to KCC's proposal, we cannot so conclude on the basis of the information before us. The fact that a Class B station, operating at full values of 50 kW and an antenna height of 150 meters (492 feet), has a service radius (to the 54 dBu contour) of 64 kilometers (40 miles) versus a Class B1, operating with 25 kW at 100 meters (328 feet), having a service radius (to the 57 dBu contour) of 45 kilometers (28 miles), is persuasive on its face. Petitioner has not demonstrated whether its superior service claim is based on the ability of two B1 channels to provide any first or second aural service, or whether shadowing considerations or other restrictive factors are inherent in KCC's proposal to such an extent to derogate coverage potential of the Class B channel. Thus, absent such compelling showings, the Commission is not obligated to restrict a community to a minimum signal which constitutes service if a superior signal can be made available consistent with the requirements of section 307(b) of the Communications Act and our present modification policy, *supra*.

9. A staff study reveals that Channel 230 can be allotted as a Class B facility at a site 4.0 kilometers (2.5 miles) south of King City, as proposed by KCC, or as a B1 substitute for Channel 221A at petitioner's intended site 20.0 kilometers (12.4 miles) northwest of the community.[4] Further, we have

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[1] KCC advises the source of data used in its study was computed according to methods outlined in F.C.C. publication PB–249144, *Field Strength Calculations for TV and FM Broadcasting*, and from information contained in *Elevation Data for North America* as published by the Department of Commerce. Its population figures were taken from the 1980 U.S. Census.

[2] Petitioner advises that for allocation purposes, to demonstrate conformity with § 73.207 of the Commission's Rules, it used its present site. Also, petitioner acknowledges that because of the required site restriction, Channel 230B could not be used at its present site.

[3] Petitioner advises that in addition to Channel 238B1, there are several other Class B1 channels available to satisfy KCC's expressed interest in operating from an area south of King City.

[4] Channel 230B cannot be substituted at petitioner's present nor intended site due to spacing constraints to Station KHIP(FM) (Channel 228A), Hollister, California, and Channel 230A, Modesto, California, allocated in MM Docket 84–231.

determined that no Class B channel is available to accommodate petitioner's proposal. Therefore, its modification request is limited to consideration as a B1 channel only. Although Channel 238B1 could be allotted with a site restriction south of King City,[5] as suggested by KCC for other expressions of interest, it cannot be used at petitioner's present nor intended site since it would contravene the minimum spacing requirements of § 73.207 of the Commission's Rules with respect to Station KYNO(FM) (Channel 239B), Fresno, California.[6] Therefore, we believe that the substitution of Channel 230B1 for Channel 221A, as proposed by petitioner, is the best choice in this instance. Since we have no interest from any party in pursuing Channel 238B1, no further discussion as to its availability is warranted.

10. In view of the above determination, and in an effort to accommodate KCC's expressed interest in applying for a Class B channel at King City, we have determined that Channel 271B is available to that community. However, the transmitter therefor must be located in an area approximately 22.2 kilometers (13.8 miles) southeast of King City to negate a short-spacing to Station KDFC(FM) (Channel 271B), San Francisco, California, as well as Channel 272A, Mendota, California, allotted in MM Docket No. 84–231. We believe that proposed Channel 271B is justified as representing a more efficient utilization of the frequency and conforms with our present modification policy contained in § 1.420(g) of the Commission's Rules.

11. Accordingly, pursuant to the authority contained in sections 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204 and 0.283 of the Commission's Rules, it is ordered, That effective May 23, 1986, the FM Table of Allotments, § 73.202(b) of the Commission's Rules, is amended with respect to the community listed below, as follows:

City	Channel No.
King City, CA	230B1, 271

[5] Petitioner also suggested that Channel 238B1 could be utilized for other interests at a site 27.7 km (17.2 miles) northwest of King City. However, the furthest distance a B1 channel can usually be located for provision of city grade coverage is 22.0 kilometers (14 miles).

[6] Channel 238B1 at petitioner's site would meet our spacing requirements to a modification application by KYNO(FM) (BMPH–740631AC). However, that application was dismissed April 25, 1985, for which reconsideration is pending.

12. It is further ordered, That pursuant to section 316(a) of the Communications Act of 1934, as amended, the license of Ralin Broadcasting Corporation for Station KLFA(FM), King City, California, is modified effective May 23, 1986, to specify operation on Channel 230B1 in lieu of Channel 221A. The license modification for Station KLFA(FM) is subject to the following conditions:

(a) The licensee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facilities.

(b) Upon grant of the construction permit, program tests may be conducted in accordance with § 73.1620.

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

13. It is further ordered, That the Secretary of the Commission shall send a copy of this Order by certified mail, return receipt requested, to Ralin Broadcasting Corporation, 124 N. 2d Street, King City, California 93930, and also a copy thereof, by regular mail to its counsel, Dan J. Alpert, Jr., Fletcher, Heald and Hildreth, 1225 Connecticut Avenue, NW., Suite 400, Washington, D.C. 20036.

14. It is further ordered, That this proceeding is terminated.

15. The filing window for applications on Channel 271B will open on May 27, 1986, and close on June 26, 1986.

16. For further information concerning the above, contact Nancy V. Joyner, Mass Media Bureau, (202) 634–6530.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86–8907 Filed 4–21–86; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 195

[Docket No. PS–85, Amdt. 195–36]

Transportation of Hazardous Liquids; Gathering Lines in Rural Areas

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule.

SUMMARY: The Federal hazardous liquid pipeline safety standards do not apply to gathering lines in rural areas. The lack of specificity in this exception makes it difficult to apply the standards to intrastate pipeline, which include a large number of rural gathering lines. This final rule adopts new definitions for the terms "gathering line," "production facility," and "rural area" to clearly identify the gathering lines that are not subject to the standards.

EFFECTIVE DATE: This final rule takes effect August 20, 1986.

FOR FURTHER INFORMATION CONTACT: L.M. Furrow, (202) 426–2392, regarding the content of this final rule, or the Dockets Branch (202) 426–3148, regarding copies of this final rule or other information in the docket.

SUPPLEMENTARY INFORMATION:

Background

Gathering lines in rural locations are excepted from regulation by the Hazardous Liquid Pipeline Safety Act of 1979 (HLPSA) (49 U.S.C. 2001 *et seq.*), the statute under which Part 195 is issued. In Part 195 the exception for rural gathering lines is provided by § 195.1(b)(4), which states that Part 195 does not apply to "[t]ransportation of a hazardous liquid in those parts of an onshore pipeline system that are located in rural areas between a production facility and an operator trunkline reception point."

In a notice of proposed rulemaking published March 26, 1984 (49 FR 11226, Docket No. PS–80), concerning the extension of Part 195 to intrastate hazardous liquid pipelines, RSPA discussed the need to make § 195.1(b)(4) easier to apply. The problem of distinguishing a gathering line from a trunkline and rural from nonrural was recognized. Comments on this issue by the public and by members of the Technical Hazardous Liquid Pipeline Safety Standards Committee led in the final rule (Amendment 195–33; 50 FR 15895, April 23, 1985) to inclusion of flow lines as part of onshore production facilities, which are also exempt from Part 195 and the HLPSA. (See § 195.1(b)(6)). However, because of the diversity of views expressed by commenters and the Committee, it became clear that further rulemaking would be needed to clarify § 195.1(b)(4).

In developing a proposed definition of "gathering line," RSPA considered the concepts expressed in comments to the March 26, 1984, notice by the Railroad Commission of Texas, the West Central Texas Oil and Gas, the Pennsylvania Oil and Gas Association, the Texas Mid-Continental Oil and Gas Association, the American Petroleum Institute and others as well as various members of

the Technical Hazardous Liquid Pipeline Safety Standards Committee. Generally, the concepts represented the usage of the term by RSPA in administering § 195.1(b)(4). However, the commenters' recommended language did not adequately distinguish the downstream end of a gathering line at its junction with a trunkline, since the recommended defintions of "gathering line" and "trunkline" each referenced the other. RSPA did not believe that defining "gathering line" necessarily required use of the term "trunkline." Therefore, RSPA proposed in Notice 1 (50 FR 48811; November 27, 1985) a definition of "gathering line" that did not refer to trunkline. Under the proposed definition, a "production facility" marked one end of a gathering line and the point where a line joins a line exceeding 8 inches in nominal diameter marked the other end, as follows:

"Gathering line" means a pipeline 8 inches or less in nominal diameter that transports petroleum from a production facility.

The proposed definition was based on the concepts of size (8 inches or less) and function (transports petroleum from a production facility).

Size was selected in the belief that petroleum pipelines 8 inches or less in nominal diameter are generally considered by the industry to be gathering lines rather than trunklines. Petroleum pipelines of this size are generally those to which RSPA has applied the § 195.1(b)(4) exclusion. Further, size has the considerable advantage of being simple and easily identified.

The function concept (transports petroleum from a production facility) was selected to be consistent with the current language of § 95.1(b)(4) as well as to capture the generally understood concept of a gathering line.

At a meeting in Washington, DC, on September 18, 1985, the Technical Hazardous Liquid Pipeline Safety Standards Committee (THLPSSC) approved the proposed definition of "gathering line," as well as proposed definitions of "production facility" and "non-rural," as being technically feasible, reasonable, and practical. The Committee's report, dated October 25, 1985, is available in the docket for review.

The proposed gathering line definition required that the term "production facility" be defined. The RSPA proposed the following definition:

"Production facility" means piping or equipment used in the extraction, recovery, lifting, stabilization, separation or treating of petroleum or associated storage or measurement.

This definition was based on the concept that "production" is the process of extracting petroleum from the ground and preparing it for transportation by pipeline. Hence, production facilities are those facilities necessary to perform those tasks of extracting (extraction, lifting, recover) and preparing the petroleum for transportation by pipeline (stabilization, separation, treating, storage, measurement).

Under this definition of "production facility," a "gathering line" would begin at its connection to facilities associated with extracting petroleum from the ground and preparing it for transportation by pipeline. The preamble to the agency's proposal stated that only those facilities associated with extracting petroleum from the ground and preparing if for transportation by pipeline are "production facilities." RSPA has revised the language of the final rule to clarify this point. For example, storage and measurement facilities in use in a pipeline system are not production facilities. Further, pipelines transporting petroleum from a point of origin other than a production facility, such as a refinery or manufacturing facility, would not qualify as gathering lines.

RSPA proposed to define a "rural area" as "outside the limits of any incorporated or unincorporated city, town, or village or any other designated residential or commercial area such as a subdivision, business or shopping center, or community development." This definition was based on language in the gas pipeline regulations (i.e., 49 CFR 192.1(b)(2) (i) and (ii)) and in section 2(3) of the Natual Gas Pipeline Safety Act of 1968, which outlines a rural area. Both the gas regulations and the statute exclude from coverage gathering lines located in rural areas.

Public Comments

Only a few comments were received on Notice 1. Four pipeline companies and the American Petroleum Institute, a trade association representing operators of petroleum and natural gas gathering systems, supported the RSPA proposal without change.

The remaining comments and their disposition in the final rule are discussed according to the proposed definition to which they pertain.

Gathering Line

One pipeline company thought the proposed definition was contrary to the intent of Congress because it was arbitrarily based on size instead of the *function* the pipeline serves. A rather extensive presentation of the legislative history of the Natural Gas Pipeline Safety Act of 1968 was used to support this argument. In general terms, the function that Congress was said to have had in mind for gathering pipelines was their use in the field to gather gas from various wells, through pipes of various sizes, to a central point where it might be processed or transferred to the pipeline purchaser.

Putting aside the question of whether this legislative history is appropriate for use in explaining the meaning of terms under the HLPSA, RSPA does not dispute the commenter's portrayal of what Congress considered the general sense of a gathering line to be. The problem remains, however, that this general sense is not definitive enough for proper administration and application of the statute and regulations. Clear beginning and end points of a gathering line are needed. RSPA believes its proposed definition provides these needed features without straying from the general concept Congress had in mind. The definition speaks of pipelines that carry petroleum from production facilities. This concept agrees with the function Congress considered gathering lines to provide. Although the 8-inch limit admittedly is not explicitly addressed in the statute, it is a reasonable administrative compromise, given the uncertainty of where gathering ends and a trunkline begins and the need for a specific termination point. The 8-inch limit is based on RSPA's assessment of the historic size of gathering lines and the differences in size, generally speaking, between gathering lines and trunk lines. This assessment has been supported by the views of the THLPSSC and commenters.

Three commenters were concerned about the impact of the proposed definition on pipelines larger than 8-inches that some operators have in the past considered gathering lines under § 195.1(b)(4) and, thus, exempt from regulation. The number of these cases should be small because RSPA has fashioned the new definition consistent with the current application of § 195.1(b)(4), and also because pipelines that operate at 20 percent or less of specified minimum yield strength (which include most gathering lines) are excepted from Part 195 by § 195.1(b)(3). Nevertheless, RSPA addressed this potential problem in Notice 1 by indicating that such operators can seek waivers of particular rules in Part 195 that they feel are not appropriate to apply because of a pipeline's past operation as a gathering line. However, the affected operators will need time to assess the extent of compliance

difficulties they may face now that a "gathering line" has been specifically defined. To allow time for operators to assess the impact of the new definition on pipelines previously considered as not subject to Part 195, and either bring the lines into compliance or, if necessary, prepare and submit a waiver request under section 203(h) of the HLPSA (49 U.S.C. 2002(h)), RSPA has delayed the effective date of the new definitions for 4 months. If this time proves insufficient on an individual basis to achieve full compliance, additional time may be sought under the same waiver provisions.

One commenter requested that the definition of gathering line be revised to include pipelines that begin at rail, truck, or barge unloading facilities in addition to production facilities. RSPA believes that this view of gathering does not fit the common understanding of the gathering process. Further, such a change would be outside the general concept of gathering now provided by § 195.1(b)(4). Thus, this comment was not adopted.

Two commenters were concerned that under the proposed gathering line definition a pipeline might lose its gathering status after it connects to an in-line surge tank or other facility (e.g., a lateral pipeline) because any pipeline downstream of that connection arguably would not be directly connected to a production facility. One of these commenters suggested that this unintended application of the definition would be avoided if the definition were amended to include a pipeline that transports petroleum from a "gathering line to another gathering line."

RSPA does not believe such a modification is needed. So long as the nominal pipe size remains 8 inches or less and the function of transporting petroleum from a production facility is maintained, an in-line surge tank, block valve, or other facility will not change the character of the downstream line from gathering.

Further, the presence of a surge tank should not cause a misapplication of the definition any more so than, for example, a pump, because both pumping units and breakout tanks, which are defined to include tanks used to relieve surges, are among the facilities included within the Part 195 definition of "pipeline." In Part 195, the term "pipeline" is defined in a generic sense to include all jurisdictional facilities through which a hazardous liquid flows. Thus, a gathering line is not interrupted upon reaching a tank or any other facility, including a lateral line, covered by the definition of "pipeline." Successive downstream connections with facilities that are "pipelines" under the Part 195 definition and that continue the transportation of petroleum which starts at a production facility are merely linkages of facilities that are each gathering lines. The only cause for a gathering line to terminate would be upon connection with a non-pipeline facility (e.g., a refinery) or a pipeline larger than 8 inches in nominal diameter. Therefore, the proposed definition is adopted without change.

Production Facility

One commenter thought RSPA should make it clear that a "production facility" includes commingled facilities, or facilities handling hydrocarbons produced on several small leases in close proximity to each other. Under the proposed definition, the number of interconnected leases from which hydrocarbons are produced is not a factor in identifying a facility as a production facility. Facilities are designated as production facilities according to their usage, not the location of wells from which hydrocarbons are being produced. Therefore, no change has been made to the final definition.

Another commenter asked that the proposed definition of "production facility" be revised to include the processes of "gas sweetening or liquids extraction from gas." RSPA believes the terms "separation" and "treating," which are included in the definition, carry a broad enough connotation to include these processes, and, thus, the final definition need not be changed.

Rural Area

Two commenters suggested that "rural area" should be defined on a population density basis (as indicated by buildings and occupancy levels) rather than the political or other subdivision basis used in the proposed definition. The main argument to support this change was that population density provides a better indication of the risk a gathering line poses along its route and, thus, the areas in which Part 195 should apply. Although RSPA does not necessarily disagree with this argument, it believes the proposed definition is more manageable than one based on population density. A similar definition has long been in effect for gas gathering lines, and many of the operators and State agencies that use the gas definition can simply apply the same concept to petroleum gathering lines. Also, monitoring a pipeline for changes in population density is a more onerous task than watching for changes in subdivision boundaries, which should occur less frequently. In addition, the proposed definition does relate to risk, considering that higher levels of population are found inside political and other subdivisions. Therefore, the proposed definition is adopted without change.

Classification. These final definitions are considered to be nonmajor under Executive Order 12291 and nonsignificant under DOT regulatory policies and procedures (44 FR 11034, February 26, 1979) because they are consistent with the manner in which RSPA now applies Part 195 to interstate and intrastate gathering lines. The economic impact of this document has been found to be so minimal that further evaluation is unnecessary. Further, because small entities do not own or operate interstate pipelines or intrastate pipelines that would be affected by this final rule, the agency certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 49 CFR Part 195

Interstate pipeline, Intrastate pipeline, Pipeline safety, Gathering line, Rural area, Production facility.

PART 195—[AMENDED]

In view of the above, RSPA amends 49 CFR Part 195 in the following manner:

1. The authority citation for Part 195 continues to read as set forth below.

Authority: 49 U.S.C. 2002; 49 CFR 1.53 and Appendix A to Part 1.

2. Section 195.1(b)(4) is revised to read as follows:

§ 195.1 Applicability.

* * * * *

(b) * * *

(4) Transportation of petroleum in onshore gathering lines in rural areas.

* * * * *

3. Section 195.2 is amended by adding three definitions in alphabetical order as follows:

§ 195.2 Definitions.

* * * * *

"Gathering line" means a pipeline 8 inches or less in nominal diameter that transports petroleum from a production facility.

* * * * *

"Production facility" means piping or equipment used in the production, extraction, recovery, lifting, stabilization, separation or treating of petroleum or associated storage or measurement. (To be a production facility under this definition, piping or equipment must be used in the process of extracting petroleum from the ground

and preparing it for transportation by pipeline).

* * * * *

"Rural area" means outside the limits of any incorporated or unincorpated city, town, village, or any other designated residential or commerical area such as a subdivision, a business or shopping center, or community development.

* * * * *

4. Section 195.401(c)(2) is revised as follows:

§ 195.401 General requirements.

* * * * *

(c) * * *

(2) An interstate offshore gathering line on which construction was begun after July 31, 1977.

* * * * *

Issued in Washington, DC, on April 17, 1986.

M. Cynthia Douglass,

Administrator, Research and Special Programs Administration.

[FR Doc. 86-9003 Filed 4-21-86; 8:45 am]

BILLING CODE 4910-60-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1043

[Ex Parte No. MC-178]

Investigation Into Motor Carrier Insurance Rates

AGENCY: Interstate Commerce Commission.

ACTION: Interim rule and request for comments.

SUMMARY: In response to a preliminary review of the initial comments received in this proceeding, and to provide contemporary guidance to applicants who wish to apply to self-insure against bodily injury and property damage claims under 49 CFR 1043.5(a), the Commission proposes to amend § 1043.5(a) to include guidelines as to the type of information applicants for self-insurance should submit with the Form B.M.C. 40 application. These proposed changes should help provide the Commission with relevant information about a carrier-applicant's ability to indemnify claimants under insurance plans that do not rely primarily on commercial insurers. Because of the emergency nature of insurance crisis facing the motor carrier industry today, we will adopt the proposed changes as interim rules. They will be effective immediately because the rules are largely interpretive and because notice and public procedure would be impractical and contrary to the public interest in view of the need to respond as promptly as possible to the cost and availability problems facing motor carriers seeking insurance. See 5 U.S.C. 553(b) (A) and (B). The Commission will adopt final rules as expeditiously as possible after evaluating the comments received. However, carriers authorized to self-insure by us must also seek requisite authority to self-insure from the Department of Transportation.

DATES: Effective April 22, 1986. Comments are due May 21, 1986.

ADDRESSES: The original and, if possible, 15 copies of the comments should be sent to: Ex Parte No. MC-178, Case Control Branch, Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:

Mark S. Shaffer, (202) 275-7292

or

Howell I. Sporn, (202) 275-7691.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Energy and Environmental Considerations

This action does not appear to significantly affect either the quality of the human environment or conservation of energy resources. Comments are welcome on these issues.

Regulatory Flexibility Analysis

The Commission certifies that adoption of these interim rules will not have a significant impact on a substantial number of small entities. They do not require small entities to do anything substantially different in applications under 49 CFR 1043.5 than already is required. The interim rules suggest the types of evidence that should be presented, and clarify the approach the Commission will take in evaluating self-insurance applications. To the extent that the revised approach to reviewing self-insurance applications encourages use of this alternative security mechanism by small carriers, this proceeding may have a beneficial impact on their ability to meet the required financial security obligations.

List of Subjects in 49 CFR Part 1043

Insurance, Motor Carriers, and Surety Bonds.

Decided: April 9, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley. Vice Chairman Simmons commented with a separate expression. Commissioner Sterrett dissented in part. Commissioner Lamboley dissented in part with a separate expression.

James H. Bayne,

Secretary.

Appendix

Title 49 of the CFR is amended by interim rules as follows:

PART 1043—[AMENDED]

1. The authority citation for 49 CFR Part 1043 is revised to read as follows:

Authority 49 U.S.C. 10101, 10321, 11701, 10927; 5 U.S.C. 553.

2. Paragraph (a) of § 1043.5 is revised as follows:

§ 1043.5 Qualifications as a self-insurer and other securities or agreements.

(a) *As a self-insurer.* The Commission will give consideration to and will approve the application of a motor carrier to qualify as a self-insurer if such carrier furnishes a true and accurate statement of its final financial condition and other evidence which will establish to the satisfaction of the Commission the ability of such motor carrier to satisfy its obligation for bodily injury liability, property damage liability, or cargo liability. Applicant Guidelines: In addition to filing Form B.M.C. 40, applicants for authority to self-insure against bodily injury and property damage claims should submit evidence that will allow the Commission to determine:

(1) The adequacy of the net worth of the motor carrier in relationship to the size of operations and the extent of its request for self-insurance authority. Applicant should demonstrate that it will maintain a net worth that will ensure that it will be able to meet its statutory obligations to the public to indemnify all claimants in the event of loss.

(2) The existence of a sound self-insurance program. Applicant should demonstrate that is has established, and will maintain, an insurance program that will protect the public against all claims to the same extent as the minimum security limits applicable to applicant under § 1043.2 of this part. Such a program may include, but not be limited to, one or more of the following: reserves; sinking funds; third party financial guarantees, parent company or affiliate sureties; excess insurance coverage; or other similar arrangements.

(3) The existence of an adequate safety program. Applicant must submit evidence of a "satisfactory" safety rating by the Bureau of Motor Carrier Safety continously for the three years immediately prior to the date of its application or the date on which its initial safety rating was assigned, whichever time period is shorter.

* * * * *

[FR Doc. 86-8953 Filed 4-21-86; 8:45 am]
BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 51, No. 77
Tuesday, April 22, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

1 CFR Ch. III

Agencies' Use of Alternative Dispute Resolution Techniques

Correction

In FR Doc. 86-7675 beginning on page 11928 in the issue of Tuesday, April 8, 1986, make the following corrections:

1. On page 11928:

a. In the first column, in the fourteenth line from the bottom, "statutory" was misspelled.

b. In the third column, in the fourth line, "agencies" should read "agencies' ".

c. In the same column, in the first complete paragraph, in the eleventh line, "disputes" was mispelled.

2. On page 11929:

a. In the first column, in the fourth line, "specified" should read "specific".

b. In the same column, paragraph 2, the first line should read- "2. Congress and the courts should give".

c. In the same column, paragraph 4, in the fifth line "Procedures" should read "Procedure".

d. In the second column, paragraph (e), in the fourth line, "conclusion" should read "conclusions".

e. In the same column, in paragraph 5(a)(3), first line, "decisionmaking" should read "decisionmaker".

f. In the third column, paragraph 7, in the eighth line, "outweighed" was misspelled.

g. In the same column and paragraph, in the tenth line, "of" should read "or".

3. On page 11930:

a. In the third column, in the eighth line, "opinion" was misspelled.

BILLING CODE 1505-01-M

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

Prevailing Rate Systems

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: The Office of Personnel Management (OPM) proposes to revise its regulations on the establishment and adjustment of appropriated and nonappropriated fund wage schedules in foreign areas and certain U.S. possessions. Specifically, we are proposing to delete the provisions which require that rates be published in the **Federal Register**. These revisions will eliminate procedural delays in issuing the overseas schedule.

DATE: Comments must be submitted on or before June 23, 1986.

ADDRESS: Send or deliver written comments to the Office of Personnel Management, Compensation Group, Wage Systems Division, Room 3353, 1900 E Street, NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Allan Summers, (202) 632-7830.

SUPPLEMENTARY INFORMATION: The regulations which administer the overseas schedule are contained in §§ 532.233 and 532.235 of Title 5, Code of Federal Regulations. We are proposing to revise our regulations to delete provisions contained in §§ 532.233 and 532.235 which require that rates for the overseas schedule be published in the **Federal Register**. Following the requirements of the Administrative Procedure Act (5 U.S.C. 553) has only served to delay the implementation date of the overseas schedule because there is insufficient time to publish the rates between the effective date of the last regular schedule used in its computation (December) and the normal effective date of the overseas schedule (January).

Passage of Pub. L. 99-251, "Federal Employees Benefits Improvement Act of 1986," specifically removed the requirement to follow notice-and-comment procedures when establishing any schedules or rates of basic pay when the underlying procedures, methodology, or criteria used to establish such schedules or rates were earlier codified in accordance with administrative procedures. In view of this statutory change, we are proposing to remove the cited provisions from our regulations so we can issue the overseas schedule in a timely manner.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they are changes which will affect only employees of the Federal Government.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Government employees, Wages.

U.S. Office of Personnel Management.

Constance Horner,

Director.

Accordingly, OPM is proposing to amend 5 CFR Part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

1. The authority citation for Part 532 continues to read as follows:

Authority: 5 U.S.C. 5342, 5346.

§ 532.233 [Amended]

2. In § 532.233, paragraph (f) is removed.

§ 532.235 [Amended]

3. In § 532.235, paragraph (e) is removed.

[FR Doc. 86-8949 Filed 4-21-86; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Part 1944

Section 502 Rural Housing Loan Policies, Procedures, and Authorizations

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to

revise its regulations regarding its section 502 Rural Housing program. The action is being taken to implement provisions of the Rural Housing Amendments Act of 1983 which amends Title V of the Housing Act of 1949 and to revise certain sections to further simplify and clarify the regulations. The intended effect of this action is to more equitably provide the financial assistance to those most in need of housing and to expedite the processing of loans for such assistance.

DATE: Comments must be received within 60 days of the date of publication.

ADDRESS: Submit written comments in duplicate to the Office of the Chief, Directives Management Branch, Farmers Home Administration, USDA, Room 6348, South Agriculture Building, Washington, DC 20250. All written comments pursuant to this notice will be available for public inspection during regular hours at the above address.

FOR FURTHER INFORMATION CONTACT: Frank Colon, Chief, Homeownership Branch, Room 5342, Telephone (202) 382–1482 or Nancy Monesson, Room 5334, Telephone (202) 382–1474, at the following address: Single Family Housing Processing Division, Farmers Home Administration, USDA, South Agriculture Building; 14th and Independence Ave., SW., Washington, DC 20250.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Departmental Regulation 1512–1 which implements Executive Order 12291 and has been determined to be "nonmajor" since the annual effect on the economy is less than $100 million and there will be no increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. There will be no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The proposed revisions are necessary to incorporate provisions of the Rural Housing Amendments of 1983 and to update and clarify several sections of the regulation.

The major changes and additions in this proposed rule are as follows:

1. The process used for rural area designation (§ 1944.10) for the program must be standardized for all field offices. The current regulation does not provide enough detail to resolve the many problems involved in the process. The revision clarifies the regulation, eliminates areas of controversy in interpreting terms such as open spaces, contiguous boundaries, etc., and adds details to the rural area designation process.

2. Rates, terms, and source of funds (§ 1944.25) is revised to increase the maturity of the regular section 502 loan, where needed, to a period not to exceed 38 years as authorized by the Rural Housing Amendments of 1983, and to itemize all other loan types funded with section 502 loan funds.

3. The section for conditional commitments is revised, to clarify construction contract requirements in § 1944.45(f)(3)(ii) and for editorial changes and to refer completion and review to the proper approval official in § 1944.45(f)(5).

This document has been reviewed in accordance with 7 CFR Part 1940, Subpart G, "Environmental Program." It is the determination of FmHA that the proposed action does not constitute a major Federal action which significantly affects the quality of the human environment and, in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an environmental impact statement is not required.

This program/activity is listed in the Catalog of Domestic Assistance under No. 10.410. For the reasons set forth in the Final Rule related notice to 7 CFR Part 3015, Subpart V, 48 FR 29115, June 24, 1983, this program/activity is excluded from the scope of Executive Orde 12372 which requires intergovernmental consultation with State and local officials.

List of Subjects in 7 CFR, Part 1944

Home improvement, Loan programs—Housing and community development; low and moderate income housing—Rental; Mobile homes; Mortgages, Rural housing, Subsidies.

Therefore, it is proposed that Subpart A of Part 1944, Chapter XVIII of Title 7, Code of Federal Regulations be amended as follows:

PART 1944—HOUSING

1. The authority citation for Part 1944 continues to read as follows:

Authority: 42 USC 1480; 7 CFR 2.23; 7 CFR 2.70.

Subpart A—Section 502 Rural Housing Loan Policies, Procedures and Authorizations

2. In § 1944.10, paragraph (g) is redesignated as (i) and the rest of the section is revised to read as follows:

§ 1944.10 Rural area designation.

(a) For the purpose of this Subpart, a rural area is:

(1) Open country which is not part of or associated with an urban area.

(2) Any town, village, city or place, including the immediately adjacent densely settled area, which is not part of or associate with an urban area and which:

(i) Has a population not in excess of 10,000 if it is rural in character, or

(ii) Has a population in excession 10,000 but not in excess of 20,000, and

(A) Is not contained within an MSA, and

(B) Has a serious lack of mortgage credit for low-and moderate-income households as determined by the Secretary of Agriculture and the Secretary of Housing and Urban Development.

(b) A determination that open country, or any town, village, city, or place is not part of or associated with an urban area must include a finding that any densely populated section of the area in question is separated from the densely populated section of any adjacent urban area by open spaces. Open spaces include undeveloped, agricultural, or sparsely settled areas. Other spaces such as physical barriers (e.g., rivers, canals), public parks, commercial and industrial developments, areas reserved for recreational purposes, recognized open spaces for which the existence of plans for development in the near future (3 to 5 years) are known, and similar nonresidential areas, are not considered open spaces for the purpose of this program.

(c) Two or more towns, villages, cities, and places may have contiguous boundaries, and each be considered separately if they are not otherwise assoicated with each other, and their densely populated areas are not contiguous, as determined after consideration of paragraphs (a) and (b) of this section.

(d) Population count in any area will be taken from the decennial U.S. Census of Population, national population updates published by the Bureau of the Census, any more recent census conducted by the local government, recent maps and aerial photographs, and the following:

(1) Significant new development on the periphery of ineligible areas which require change in boundaries, and

(2) Redesignation of corporate limits by local authorities which affect the elegibility status of an area.

(e) In determining population count for area eligibility, consideration must also be given to developed areas in

counties or states which are contiguous to and, therefore, a part of developed areas in other counties or states. This determination must be made in agreement between the States Directors concerned.

(f) In order to ensure that the rural housing program is limited to eligible rural areas, the County Supervisor, in consultation with the District Director will conduct a review of all areas under his/her jurisdiction, every 5 years. More frequent reviews may be conducted as needed. The following criteria will apply:

(1) The review will be based on the considerations set forth in paragraphs (a) through (e) of this section. A report on the review with recommendations will be signed by the County Supervisor and the District Director and submitted to the State Director on or before February 28 of the review year.

(2) Based on the recommeded changes provided by the County Supervisor and the District Director, the State Director will:

(i) Make the public aware that a study will be conducted for those areas that may change from rural to nonrural. The State Director should, where the State Director determines it practicable, publish in local newspapers, prenotices of the review actions for the information of interested parties, at least 180 days prior to final determination. It can be anticipated that the study may take 6 months before a decision will be made.

(ii) Limit the rural housing program in that area after the date of the decision, to the loan purposes prescribed in paragraph (f)(2)(i) of this section, if the study shows that an area is not rural.

(iii) Request authorization from the National Office (Attention: Chief Homeownership Branch, (SFH/PD) for changes, if the study shows new areas exceeding 10,000 but not exceeding 20,000 (as defined in paragraph (a)(2)(ii) of this section) that will be identified as eligible rural areas.

(iv) Upon completion of the study, and prior to September 30 of the review year, update, establish, and issue by State Supplement, lists and maps of all eligible rural areas under his/her jurisdiction.

(g) In addition to the review of eligible areas prescribed by this section, the State Director is responsible for the implementation of changes in all areas under his/her jurisdiction resulting from the decennial Census of Population (including biannual updates, if available). The State Director will take immediate action on these changes after receipt of the information from the Bureau of the Census through FmHA. These changes and other emergency changes directed by the Administrator must be implemented without delay, since advance notice to the public is impracticable.

(h) Current maps and lists of *eligible areas* approved by the State Director, shall be displayed in the County Supervisor's office. A State Office file also shall be maintained to include copies of the most recent maps and lists of eligible areas and the County Offices' area reviews and recommendations. The State Office will also prepare and distribute to the county offices an adequate number of copies of maps and lists of *ineligible areas*, to be used as handouts, as requested, to further inform the public of those areas not served by the Agency. These will be sections of maps showing only the ineligible area and the immediate eligible area surrounding the outside of the ineligible area boundary.

* * * * *

3. In § 1944.25, paragraphs (a) and (c) are revised to read as follows:

§ 1944.25 Rates, terms, and source of funds.

(a) *Source of funds.* All loans financed under this program will be funded from the Rural Housing Insurance Fund (RHIF).

* * * * *

(c) *Amortization.* Loans will be scheduled for repayment over a period that will not exceed the expected useful life of the property as a dwelling to assure the loans are adequately secured. Only one of the amortization periods listed in this paragraph may be used for a borrower. Each loan will be scheduled for repayment from the date of the promissory note, for a period not to exceed one of the following:

(1) 33 years for initial and subsequent loans, except as otherwise indicated in this section.

(2) 38 years for initial loans (subsequent loans may be made for a period not to exceed the remaining years of the initial loan) to applicants whose adjusted annual incomes do not exceed 60 percent of the median income for the area, if necessary to show repayment ability (as reflected by comparing the annual installment for repayment at 1 percent interest with the resulting repayment ability figure of a completed Form FmHA 1944–3, "Household Finance Statement and Budget"). Adjusted in come limits for eligibility for the 38-year term appear in Exhibit C of FmHA Instruction 1944–A (available in any FmHA office).

(3) 25 years for Repair and Rehabilitation loans as set forth in § 1944.34(f)(6)(iii) of this subpart.

(4) 10 years for loans not exceeding $2,500 which are not secured by a real estate mortgage.

* * * * *

4. Section 1944.45 is amended by revising paragraphs (f)(3)(ii) and (f)(5), to read as follows:

§1944.45 Conditional commitments.

* * * * *

(f) * * *

(3) * * *

(ii) Determine whether the dwelling and site meet the requirements of this Subpart and Subpart A of Part 1924 of this Chapter and will comply with all local codes and ordinances. The use of construction contracts with conditional commitments is optional. The property must meet the requirements of Subpart D of Part 1804 of this Chapter (FmHA Instruction 424.5).

* * * * *

(5) *Conditional commitment approval.* The State Director, District Director, County and Assistant County Supervisors are authorized to approve conditional commitments provided the commitment price does not exceed the loan approval authority for Section 502 RH loans as outlined in Subpart A of Part 1901 of this Chapter. If the conditional commitment is granted, the loan approval official will complete and sign Form FmHA 1944–11, "Conditional Commitment." When a qualified applicant applies for a loan to buy a dwelling on which a conditional commitment has been issued, the application file will be transferred to the conditional commitment folder.

* * * * *

Dated: March 14, 1986.

Vance L. Clark,

Administrator, Farmers Home Administration.

[FR Doc. 86–8987 Filed 4–21–86; 8:45 am]

BILLING CODE 3410–07–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 93

[Docket No. 24967; Notice No. 86–4]

Portland International Airport, Portland, OR, Special Airport Traffic Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to delete the special airport traffic area (ATA) at

Portland International Airport, Portland, OR. An Airport Radar Service Area (ARSA) was established at Portland International effective January 16, 1986, and makes the special ATA unnecessary.

DATE: Comments must be received on or before June 6, 1986.

ADDRESS: Send comments on the proposal in triplicate to: Director, FAA, Northwest Mountain Region, Attention: Manager, Air Traffic Division, Docket No., Federal Aviation Administration, 17900 Pacific Highway South, C–68966, Seattle, WA 98168.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Robert G. Burns, 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: .

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 24967." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

Background

The Portland International Airport, Portland OR, Special ATA was established September 6, 1967 (32 FR 12747), under 14 CFR Part 93 93.101 and 103, and amended February 6, 1976 (41 FR 5386). Section 93.105 was added November 6, 1980 (45 FR 73653). Together these sections, organized as Subpart H of Part 93, establish certain traffic patterns to be flown for arrivals and departures operating at Pearson Airpark, Portland, OR, and establish certain communications requirements for those operations.

On December 9, 1985 (50 FR 50254), the FAA designated an ARSA at Portland International Airport, Portland, OR, which became effective January 16, 1986. The configuration of the Portland ARSA in the vicinity of Pearson Airpark coupled with the requirement for pilots to establish two-way radio communications with Portland Approach Control prior to entering designated ARSA airspace supplants the need for the special ATA.

The Proposal

In consideration of the foregoing, the FAA is confident that the provisions of the ARSA program utilized at Portland International Airport provide an adequate level of safety with respect to arrival and departure air traffic at Pearson Airpark. Therefore, the FAA proposes to delete the rules and procedures specified in Part 93, Subpart H.

Regulatory Flexibility Determination

The FAA has determined 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) 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, 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 93

Airport traffic area; Traffic patterns.

The Proposed Amendment

PART 93—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 93 of the Federal Aviation Regulations (14 CFR Part 93) as follows:

1. The authority citation for Part 93 continues to read:

Authority. 49 U.S.C. 1302, 1303, 1348, 1354(a), 1421(a), 1424, 2402 and 2424; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983).

2. Part 93, Subpart H is removed.

3. Part 93, Subpart H is reserved.

Issued in Washington, DC, on April 14, 1986.

John R. Ryan,

Director, Air Traffic Operations Service.

[FR Doc. 86–8892 Filed 4–21–86; 8:45 am]

BILLING CODE 4910–13–M

VETERANS ADMINISTRATION

38 CFR Part 1

Salary Offset; Federal Claims Collection

AGENCY: Veterans Administration.

ACTION: Proposed regulations.

SUMMARY: The Veterans Administration is hereby proposing new regulations to govern the collection of debts owed to the United States from Federal employees. These regulations are intended to implement the Debt Collection Act of 1982 (Pub. L. 97–365) which permits Federal agencies to collect debts by means of offset from current Federal salaries without an employee's consent, provided the employee is properly notified and given the opportunity to exercise certain administrative rights.

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

ADDRESSES: Interested persons are invited to send written comments to:

Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420. Comments will be available for inspection only in room 132, Veterans Services Unit, at the above address between the hours of 8 a.m. to 4:30 p.m. Monday through Friday (except holidays) until June 5, 1986.

FOR FURTHER INFORMATION CONTACT: Peter Mulhern, (202) 389-3405.

SUPPLEMENTARY INFORMATION: Section 5 of the Debt Collection Act of 1982 amended section 5514 of Title 5, United States Code to permit Federal agencies to collect debts by means of offset from current Federal salaries without an employee's consent, provided the employee is properly notified and given the opportunity to exercise certain administrative rights. Prior to enactment of this legislation, it was not possible to deduct general debts owed by Federal employees to the United States from current salary without the employee's consent. In addition to the offset provisions at 5 U.S.C. 5514, each agency's offset regulations must be consistent with the Office of Personnel Management's salary offset regulations.

Prior to salary offset, an employee must be given the opportunity for a hearing on the existence or the amount of the debt or the terms of the repayment schedule (5 U.S.C. 5514(a)(2)). Such a hearing must be conducted by an administrative law judge or a hearing official not under the control of the creditor agency. However, 38 U.S.C. 211(a) states that the decisions of the VA providing benefits for veterans and their dependents or survivors shall be final and conclusive and no other official or any court of the U.S. shall have power or jurisdiction to review such decisions. We do not believe Congress intended its amendment of 5 U.S.C. 5514 to override this provision. Thus, if the VA renders a decision on any aspect of an indebtedness arising out of participation in a VA benefits program, such decision cannot be reviewed by an administrative law judge or an official outside of the VA. Construing the two statutes together, we believe reliance on the hearing procedures of the BVA (Board of Veterans Appeals), the functions of which are largely independent of the VA, will fully satisfy the agency's obligations under section 5 of the Debt Collection Act while preserving the finality of VA decisions. The BVA's procedures found in 38 CFR 19.1 through 19.200 will provide adequate due process protection for those employees who have debts which arise out of participation in a benefits program administered under Title 38, United States Code. For hearings on nonbenefit debts and proposed offset schedules of all debts, our salary offset regulations set forth procedures to be used for paper and oral hearings before administrative law judges and hearing officials not under the control of the VA.

The Administrator hereby certifies that these proposed rules will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), because they only concern individual Federal employees indebted to the U.S. Government. Pursuant to 5 U.S.C. 605(b), this proposed rule is therefore exempt from the initial and final regulatory flexibility analyses requirements of section 603 and 604.

These proposed rules have also been reviewed under E.O. 12291 and have been determined to be nonmajor because they will not have a $100 million annual effect on the economy and will not have any adverse economic impact on, or increase costs or prices for consumers, individual industries, Federal, State and local government agencies or geographic regions.

There is no Catalog of Federal Domestic Assistance Number involved.

List of Subjects in 38 CFR Part 1

Claims, Administrative practice and procedure, Veterans.

Approved: March 24, 1986.

Everett Alvarez, Jr.,

Acting Administrator.

38 CFR Part 1, General, is amended by adding new §§ 1.980 through 1.994 to read as follows:

PART 1—[AMENDED]

Salary Offset Provisions

Sec.

Salary Offset Provisions

§ 1.980 Scope.

(a) The provisions set forth in §§ 1.980 through 1.994 implement the VA's (Veterans Administration's) authority for the use of salary offset to satisfy certain debts owed to the government.

(b) These regulations apply to offsets by the VA from the salaries of current employees of the VA or any other agency who owe debts to the VA. Offsets by the VA from salaries of current employees of the VA who owe debts to other agencies shall be processed under 5 CFR 550.1106.

(c) These regulations do not apply to debts or claims arising under the Internal Revenue Code of 1954, as amended, the Social Security Act, the tariff laws of the United States, or to any case where collection of a debt by salary offset is explicitly provided for (e.g. travel advances in 5 U.S.C. 5705 and employee training expenses in 5 U.S.C. 4108) or prohibited by another statute.

(d) These regulations do not preclude an employee from requesting waiver of an overpayment under 38 U.S.C. 3102, 5 U.S.C. 5584, or any other similar provision of law, or in any way questioning the amount or validity of a debt not involving benefits under the laws administered by the VA by submitting a subsequent claim to the General Accounting Office in accordance with procedures prescribed by that office.

(e) These regulations do not apply to any adjustment to pay arising out of an employee's election of coverage or a change in coverage under a Federal benefits program requiring periodic deductions from pay if the amount to be recovered was accumulated over four pay periods or less.

(f) These regulations do not preclude the compromise, suspension, or termination of collection actions where appropriate under the standards implementing the Federal Claims Collection Act (31 U.S.C. 3711 et seq., 4 CFR Parts 101–105, 38 CFR 1.1900 et seq.).

(g) The procedures and requirements of these regulations do not apply to salary offset used to recoup a Federal employee's debt where a judgment has been obtained against the employee for the debt.

(5 U.S.C. 5514)

§ 1.9801 Definitions.

(a) "Agency" means:

(1) An executive agency as defined in 5 U.S.C. 105, including the U.S. Postal Service, and the U.S. Postal Rate Commission, and

(2) A military department as defined in 5 U.S.C. 102.

(b) "Debt" means an amount owed to the United States from sources which include loans insured or guaranteed by the United States and all other amounts due the United States from fees, leases, rents, royalties, services, sales of real or personal property, overpayments, penalties, damages, interest, fines and forfeitures (except those arising under the Uniform Code of Military Justice), and all other similar sources.

(c) "Disposable pay" means that part of current basic pay, special pay, incentive pay, retired pay, retainer pay, or in the case of an employee not entitled to basic pay, other authorized pay remaining after the deduction of any amount required by law to be withheld. Excluded from this definition are deductions described in 5 CFR 581.105 (b) through (f).

(d) "Employee" means a current employee of the VA or other Federal agency including a current member of the Armed Forces or a Reserve of the Armed Forces (Reserves).

(e) "Salary offset" means an attempt to collect a debt under 5 U.S.C. 5514 by deduction(s) at one or more officially established pay intervals from the current pay account of an employee without his or her consent.

(f) "Waiver" means the cancellation, remission, forgiveness, or non-recovery of a debt owed by an employee to the VA or another Federal agency as permitted or required by 5 U.S.C. 5584 or 38 U.S.C. 3102, or other similar statutes.

(g) "Extreme hardship to an employee" means an employee's inability to provide himself or herself and his or her dependents with the necessities of life such as food, housing, clothing, transportation, and medical care.

(5 U.S.C. 5514)

§ 1.982 Salary offsets of debts involving benefits under the laws administered by the VA.

(a) The VA will not collect a debt involving benefits under the laws administered by the VA by salary offset unless the Administrator or designee provides the employee with written notice.

(b) If the employee has not previously appealed the amount or existence of the debt under §§ 19.1 through 19.200 of this title and time for pursuing such an appeal has not expired (§ 19.129), the Administrator or designee will provide the employee with written notice of the debt. The written notice will state that the employee may appeal the amount and existence of the debt in accordance with the procedures set forth in §§ 19.1 through 19.200 of this title and will contain the determinations and information required by § 1.983(b) (1)–(5), (7), (9), (10), and (12)–(14). The notice will also state that the employee may request a hearing on the offset schedule under the procedures set forth in § 1.984 and such a request will stay the commencement of salary offset.

(c) If the employee previously appealed the amount or existence of the debt and the Board of Veterans Appeals decided the appeal on the merits or if the employee failed to pursue an appeal within the time provided by regulations, the Administrator or designee shall provide the employee with written notice prior to collecting the debt by salary offset. The notice will state:

(1) The determinations and information required by § 1.983(b) (1)–(5), (7), and (12)–(14);

(2) That the employee's appeal of the existence or amount of the debt was determined on the merits or that the employee failed to pursue an appeal within the time provided, and the VA's decision is final except as otherwise provided in agency regulations;

(3) That the employee may request a waiver of the debt pursuant to § 1.911a(c)(2) subject to the time limits of 38 U.S.C. 3102;

(4) That the employee may request an oral or paper hearing on the offset schedule and receive a decision within 60 days of such request under the procedures and time limit set forth in § 1.984 and that such a request will stay the commencement of salary offset.

(d) If the employee has appealed the existence or amount of the debt and the Board of Veterans Appeals has not decided the appeal on the merits, collection of the debt by salary offset will be suspended until the appeal is decided or the employee ceases to pursue the appeal.

(5 U.S.C. 5514)

§ 1.983 Notice requirements before salary offsets of debts not involving benefits under the laws administered by the VA.

(a) For a debt not involving benefits under the laws administered by the VA, the Administrator or designee will review the records relating to the debt to assure that it is owed prior to providing the employee with a notice of the debt.

(b) Except as provided in § 1.980(e), salary offset of debts not involving benefits under the laws administered by the VA will not be made unless the Administrator or designee first provides the employee with a minimum of 30 calendar days written notice. This notice will state:

(1) The Administrator or designee's determination that a debt is owed;

(2) The amount of the debt owed and the facts giving rise to the debt;

(3) The Administrator or designee's intention to collect the debt by means of deduction from the employee's current disposable pay account until the debt and all accumulated interest and associated costs are paid in full;

(4) The amount, frequency, approximate beginning date, and duration of the intended deductions;

(5) An explanation of the VA's requirements concerning interest, administrative costs, and penalties;

(6) The employee's right to inspect and copy VA records relating to the debt or, if the employee or his or her representative cannot personally inspect the records, to request and receive a copy of such records;

(7) The employee's right to enter into a written agreement with the Administrator or designee for a repayment schedule differing from that proposed by the Administrator or designee, so long as the terms of the repayment schedule proposed by the employee are agreeable to the Administrator or designee;

(8) The employee's right to request an oral or paper hearing, conducted by an administrative law judge or a hearing official of the VA or another agency, on the Administrator or designee's determination of the existence of the debt, the amount of the debt, or the percentage of disposable pay to be deducted each pay period, so long as a request is filed by the employee as prescribed by the Administrator;

(9) The method and time period for requesting a hearing;

(10) That the timely filing of a request for a hearing (oral or paper) will stay the commencement of salary offset;

(11) That a final decision after the hearing will be issued at the earliest practical date, but no later than 60 calendar days after the filing of the request for the hearing, unless the employee requests and the hearing officer grants a delay in the proceedings;

(12) That any knowingly false or frivolous statements, representations, or evidence may subject the employee to:

(i) Disciplinary procedures appropriate under 5 U.S.C. ch. 75, 5 CFR Part 752, or any other applicable statutes or regulations;

(ii) Penalties under the False Claims Act, 31 U.S.C. 3729–3731, or any other applicable statutory authority; or

(iii) Criminal penalties under 18 U.S.C. 286, 287, 1001, and 1002 or any other applicable statutory authority.

(13) Any other rights and remedies available to the employee under statutes or regulations governing the program for which the collection is being made; and

(14) Unless there are applicable contractual or statutory provisions to the contrary, that amounts paid on or deducted for the debt which are later waived or found not owed to the United States will be promptly refunded to the employee.

(5 U.S.C. 5514)

§ 1.984 Request for a hearing.

(a) Except as provided in paragraph (b) of this section and in § 1.982, an employee wishing a hearing on the existence or amount of the debt or on the proposed offset schedule must send such a request to the office which sent the notice of the debt. The employee must also specify whether an oral or paper hearing is requested. If an oral hearing is requested, the request should explain why the matter cannot be resolved by review of the documentary evidence. The request must be received by the office which sent the notice of the debt not later than 20 calendar days from the date of the notice.

(b) If the employee files a request for a hearing after the expiration of the 20 day period provided for in paragraph (a) of this section, the VA may accept the request if the employee shows that the delay was because of circumstances beyond his or her control or because of failure to receive the written notice of the filing deadline (unless the employee has actual notice of the filing deadline).

(5 U.S.C. 5514)

§ 1.985 Form, notice of, and conduct of hearing.

(a) After an employee requests a hearing, the hearing official or administrative law judge shall notify the employee of the form of the hearing to be provided. If the hearing will be oral, the notice shall set forth the date, time, and location for the hearing. If the hearing will be paper, the employee shall be notified that he or she should submit his or her position and arguments in writing to the hearing official or administrative law judge by a specified date after which the record shall be closed. This date shall give the employee reasonable time to submit this information.

(b) An employee who requests an oral hearing shall be provided an oral hearing if the hearing official or administrative law judge determines that the matter cannot be resolved by review of documentary evidence, for example, when an issue of credibility or veracity is involved. If a determination is made to provide an oral hearing, the hearing official or administrative law judge may offer the employee the opportunity for a hearing by telephone conference call. If this offer is rejected or if the hearing official or administrative law judge declines to offer a telephone conference call hearing, the employee shall be provided an oral hearing permitting the personal appearance of the employee, his or her personal representative, and witnesses. A record or transcript of every oral hearing shall be made. Witnesses shall testify under oath or affirmation.

(c) In all other cases where an employee requests a hearing, a paper hearing shall be provided. A paper hearing shall consist of a review of the written evidence of record by the administrative law judge or hearing official.

(d) In any hearing under this section, the administrative law judge or hearing official may exclude from consideration evidence or testimony which is irrelevant, immaterial, or unduly repetitious.

(5 U.S.C. 5514)

§ 1.986 Result if employee fails to meet deadline.

An employee waives the right to a hearing, and will have his or her disposable pay offset in accordance with the offset schedule, if the employee:

(a) Fails to file a request for a hearing as prescribed in § § 1.982, 1.984, or 19.1 through 19.200, whichever is applicable, unless such failure is excused as provided in § 1.984(b); or

(b) Fails to appear at an oral hearing of which he or she had been notified unless the administrative law judge or hearing official determines that failure to appear was due to circumstances beyond the employee's control.

(5 U.S.C. 5514)

§ 1.987 Review by hearing official or administrative law judge.

(a) The hearing official or administrative law judge shall uphold the VA's determination to the existence and amount of the debt unless determined to be erroneous by preponderance of the evidence.

(b) The hearing official or administrative law judge shall uphold the VA's offset schedule unless the schedule would result in extreme hardship to the employee.

(5 U.S.C. 5514)

§ 1.988 Written decision following a hearing requested under §1.984.

(a) The hearing official or administrative law judge must issue a written decision not later than 60 days after the employee files a request for the hearing.

(b) Written decisions provided after a hearing requested under §1.984 will include:

(1) A statement of the facts presented to support the nature and origin of the alleged debt;

(2) The hearing official or administrative law judge's analysis, findings and conclusions concerning as applicable:

(i) The employee's or VA's grounds;

(ii) The amount and validity of the alleged debt; and

(iii) The repayment schedule.

(c) The decision in a case where a paper hearing was provided shall be based upon a review of the written record. The decision in a case where an oral hearing was provided shall be based upon the hearing and the written record.

(5 U.S.C. 5514)

§ 1.989 Review of VA records related to the debt.

(a) *Notification by employee.* An employee who intends to inspect or copy VA records related to the debt as permitted by a notice provided under §1.983 must send a letter to the office which sent the notice of the debt stating his or her intention. The letter must be received by that office within 20 calendar days of the date of the notice.

(b) *VA response.* In response to timely notice submitted by the debtor as described in paragraph (a) of this section, the VA will notify the employee of the location and time when the employee may inspect and copy records related to the debt.

(5 U.S.C. 5514)

§ 1.990 Written agreement to repay debt as alternative to salary offset.

(a) *Notification by employee.* The employee may propose, in response to a notice under §1.983, a written agreement to repay the debt as an alternative to salary offset. Any employee who wishes to do this must submit a proposed written agreement to repay the debt which is received by the office which sent the notice of the debt within 20 calendar days of the date of the notice.

(b) *VA's response.* In response to timely notice by the debtor as described in paragraph (a) of this section, the VA will notify the employee whether the employee's proposed written agreement for repayment is acceptable. It is within

the VA's discretion to accept a repayment agreement instead of proceeding by offset. In making this determination, the VA will balance its interest in collecting the debt against the hardship to the employee. The VA will accept a repayment agreement instead of offset only if the employee is able to establish that offset would result in extreme hardship.

(5 U.S.C. 5514)

§ 1.991 Procedures for salary offset: when deductions may begin.

(a) Deductions to liquidate an employee's debt will be by the method and in the amount stated in the notice to collect from the employee's current pay as modified by a written decision issued under §§ 1.982, 19.1 through 19.200 or § 1.988 or by written agreement between the employee and the VA under § 1.990.

(b) If the employee filed a request for a hearing as provided by § 1.984 before the expiration of the period provided for in that section, deductions will not begin until after the hearing official or administrative law judge has provided the employee with a hearing, and has rendered a final written decision.

(c) If the employee failed to file a timely request for a hearing, deductions will begin on the date specified in the notice of intention to offset, unless a hearing is granted pursuant to § 1.984(b).

(d) If an employee retires or resigns or his or her employment ends before collection of the amount of the indebtedness is completed, the remaining indebtedness will be collected according to procedures for administrative offset (see 4 CFR 101.1 through 105.5 and 5 CFR 831.1801 through 831.1807)

(5 U.S.C. 5514)

§ 1.992 Procedures for salary offset.

(a) *Types of collection.* A debt will be collected in a lump-sum or in installments. Collection will be in a lump-sum unless the employee is financially unable to pay in one lump-sum, or if the amount of the debt exceeds 15 percent of the employee's disposable pay. In these cases, deduction will be by installments.

(b) *Installment deductions.*

(1) A debt to be collected in installments will be deducted at officially established pay intervals from an employee's curent pay account unless the employee and the Administrator agree to alternative arrangements for repayment. The alternative arrangement must be in writing and signed by both the employee and administrator or designee.

(2) Installment deductions will be made over a period not greater than the anticipated period of employment. The size and frequency of installment deductions will bear a reasonable relation to the size of the debt and the employee's ability to pay. However, the amount deducted for any period will not exceed 15 percent of the disposable pay from which the deduction is made, unless the employee has agreed in writing to the deduction of a greater amount. If posible, the installment payment will be sufficient in size and frequency to liquidate the debt in three years. Installment payments of less than $25 per pay period or $50 a month will be accepted only in the most unusual circumstances.

(c) Imposition of interest, penalties, and administrative costs. Interest, penalties, and administrative costs will be charged in accordance with § 1.919 and 4 CFR 102.13.

(5 U.S.C. 5514)

§ 1.993 Non-waiver of rights.

So long as there are not statutory or contractural provisions to the contrary, an employee's involuntary payment (of all or a portion of a debt) under these regulations will not be interpreted as a waiver of any rights that the employee may have under 5 U.S.C. 5514.

(5 U.S.C. 5514)

§ 1.994 Refunds.

The VA will refund promptly to the appropriate individual amounts offset under these regulations when:

(a) A debt is waived or otherwise found not owed the United States (unless expressly prohibited by statute or regulation); or

(b) The VA is directed by an administrative or judicial order to refund amounts deducted from the employee's current pay.

(5 U.S.C. 5514)

[FR Doc. 86-8940 Filed 4-21-86; 8:45 am]
BILLING CODE 8320-01-M

[8320-01-M]

38 CFR Part 19

Appeals—General; Rules of Practice

AGENCY: Veterans Administration.

ACTION: Proposed regulations.

SUMMARY: The Board of Veterans Appeals proposes to amend its regulations dealing with tape recordings and written transcripts of personal hearings conducted before the Board. The proposal would amend provisions of the existing regulations in 38 CFR 19.168 and 38 CFR 19.170. It has been determined that instead of providing appellants and their representatives with a written copy of hearing proceedings, it would be more convenient for them and more effective for the Board to provide them with a copy of the tape recording of the hearing. Providing a copy would allow swift service when a record of a hearing proceedings held before a section of the Board is requested. The Board would continue to provide written transcripts when the case is remanded and when good cause has been shown.

DATE: Comments must be received by May 21, 1986.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420. All written comments received will be available for inspection in the Veterans Services Unit, room 132, at the above address only between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday (except holidays) until June 5, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Jan Donsbach, Special (Legal) Assistant to the Chairman, Board of Veterans Appeals, Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420 (202-389-2978).

SUPPLEMENTARY INFORMATION: The VA is proposing to amend its existing regulation concerning providing a written transcript or a copy of the tape recording of proceedings at personal hearings without cost to the appellant or representative if requested at the time of or prior to the hearing; otherwise a charge may be made in accordance with 38 CFR 1.577. The other regulation will need to be amended because it fails to make clear that the official record of hearing proceedings may consist of either the tape recording of the hearing or the transcript of that recording made by the Board.

In essence, the revised regulations will provide that requests for a record of personal hearing proceedings before the Board will be honored by furnishing a copy of the tape recording of the proceedings under normal circumstances. A written transcript will

be provided when testimony and argument is presented at the hearing concerning an issue remanded by the Board to the agency of original jurisdiction or when an appellant or his/her representative have shown good cause why a written transcript should be prepared.

The proposed amendment is necessary because it will (1) reduce the backlog of tapes awaiting transcription; (2) reduce the cost of typing hearing proceedings; and (3) provide more swift and efficient service to appellants. The Board intends to continue to provide a paper transcript where suit is filed in those cases, such as some insurance matters, which are subject to judicial review. This proposed amendment will be cost effective both in labor and copying.

The Administrator has certified that these regulations will not, if promulgated, have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), this regulation therefore is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. It will have no significant direct impact on small entities (i.e., small businesses, small private and nonprofit organizations, and small governmental jurisdictions).

The Agency has also determined that these regulations are nonmajor in accordance with Executive Order 12291, Federal Regulation. They will not result in any significant affect onthe economy, they will not have any significant impact upon private or governmental costs, and they will not affect business enterprises or otherwise have any adverse effect on the economy.

There is no Catalog of Federal Domestic Assistance number involved.

Lists of Subjects in 38 CFR Part 19

Administrative practice and procedures, Claims, Veterans.

Approved: April 11, 1986.

Thomas K. Turnage,

Administrator.

PART 19—[AMENDED]

38 CFR Part 19, Board of Veterans Appeals, is amended as follows:

1. Section 19.168 is revised to read as follows:

§ 19.168 Rule 68; Recorded hearing.

(a) *Baord of Veterans Appeals.* A hearing before Members of the Board will be recorded. A written transcript will be prepared and a copy of the completed transcript will be incorporated as a permanent part of the claims folder if: (1) Testimony and argument has been presented at the hearing pertaining to an issue which is remanded to the agency or original jurisdiction for further development or (2) the appellant or representative has shown good cause why such a written transcript should be prepared. Requests that recordings of hearing proceedings be transcribed should be in writing and should explain why transcription is necessary. They should be filed with: Chief, Hearing Section (014B), Board of Veterans Appeals, 810 Vermont Avenue, NW, Washington, DC 20420. In those instances where a complete written transcript is prepared, that transcript will be the permanent record of the hearing and the tape recording may be destroyed after a period of 12 months following the date of the hearing; otherwise, the tape recording shall be kept on file by the Board of Veterans Appeals as the permanent record of the hearing.

(b) *Field offices.* The hearing proceedings before field office personnel after the filing of a notice of disagreement shall be recorded and a copy of the complete written transcript incorporated as a permanent part of the claims folder.

(c) *Copy of hearing tape recording or written transcript.* A copy of the tape recording of hearing proceedings before the Board of Veterans Appeals, or the written transcript of such proceeding when such a transcript has been prepared in accordance with the provisions of paragraph (a) of this section, and/or a copy of the written transcript of field office appellate hearing proceedings may be furnished without cost to the appellant or representative is a request is made at the time of or prior to the hearing; otherwise a charge may be made in accordance with § 1.577 of this title.

(38 U.S.C. 4002)

2. Section 19.170 is revised to read as follows:

§ 19.170 Rule 70; Official transcript.

The tape recording on file at the Board of Veterans Appeals or a transcript prepared by the Board of Veterans Appeals in lieu thereof, is the only official record of hearings conducted before the Board.

(38 U.S.C. 4002)

[FR Doc. 86–8939 Filed 4–21–86; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[SW-9; FRL-3006-9]

California; Final Authorization of the State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of tentative determination on the State of California's application for final authorization, public hearing, and public comment period.

SUMMARY: The State of California has applied for final authorization under the Resource Conservation and Recovery Act (RCRA). EPA has made a tentative determination that the state's hazardous waste program meets the requirements to qualify for final authorization. However, before EPA issues a final decision to authorize California, California must take certain actions to demonstrate its program capability and make certain clarifying changes to its application. California's application for final authorization is available for public review and comment. Two public hearings will be held by EPA.

DATES: EPA Region 9 has scheduled its public hearings for June 3rd and 4th, 1986. The hearing on June 3rd will be held beginning at 10:00 a.m. in the Hawaii-Trust Territories Room, EPA Region 9, 215 Fremont Street, San Francisco, California. The hearing on June 4th will be held beginning at 10:00 a.m. in the auditorium, Room 1138, Department of Health Services, 107 South Broadway, Los Angeles, California. In addition to EPA, representatives from the California Department of Health Services will participate in the hearings. All public comments must be received by the close of business on June 4th.

ADDRESSES: Copies of California's final authorization application are available for inspection and copying from 8:00 a.m. to 4:30 p.m. at the following locations: California Department of Health Services, 1219 K Street, Sacramento, CA, Phone: (916) 323–6042 and 4250 Power Inn Road, Sacramento, CA, Phone: (916) 739–3145; California Department of Health Services, 5850 Shellmound Suite 390, Emeryville, CA, Phone: (415) 540–2043; California Department of Health Services, 107 South Broadway, Los Angeles, CA, Phone: (213) 620–2380; U.S. EPA Headquarters Library, 401 M Street SW., Washington, DC, Phone: (202) 382–5926;

U.S. EPA Region 9 Library, 215 Fremont Street, San Francisco, CA, Phone: (415) 974–8076. Written comments should be sent to Karen Ueno, EPA Region 9, Toxics and Waste Management Division (T–2–5), 215 Fremont Street, San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT: Karen Ueno, EPA Region 9, Toxics and Waste Management Division (T–2–5), 215 Fremont Street, San Francisco, CA 94105; Phone: (415) 974–8160 (FTS: 454–8160).

SUPPLEMENTARY INFORMATION:

A. Background

Section 3006 of the Resource Conservation and Recovery Act (RCRA) allows EPA to authorize state hazardous waste program to operate in lieu of the federal hazardous waste program, subject to the limitations imposed by the Hazardous and Solid Waste Amendments of 1984 (HSWA). Under section 3006, EPA may grant two types of authorization. The first type, "interim authorization," is a temporary authorization which is granted if EPA determines that the state program is substantially equivalent to the federal program (Section 3006(c), 42 U.S.C. 6926(c)). EPA's implementing regulations in 40 CFR 271.121–271.137 establishes a phased approach to interim authorization:

- Phase I, covering the EPA regulations in 40 CFR Parts 260–263, and 265 (the universe of hazardous waste and standards for hazardous waste generators, transporters and interim status facilities), and
- Phase II, covering the EPA regulations in 40 CFR Parts 124, 264, and 270 (the procedures and standards for permitting hazardous waste management facilities).

Phase II, in turn, has three components. Phase IIA covers permitting of containers and tanks. Phase IIB covers permitting of incinerator facilities. Phase IIC covers permitting of landfills, land treatment units, surface impoundments, and waste piles.

By statute, interim authorization expired on January 31, 1986. Responsibility for the hazardous waste program reverted to EPA on that date if the state did not receive final authorization, as described below.

The second type of authorization, "final authorization," is a permanent authorization which is granted if EPA determines that the state program is (1) equivalent to the federal program, (2) consistent with the federal program and other state programs, and (3) provides for adequate enforcement (Section 3006(b), 42 U.S.C. 6926(b)). States need not have obtained interim authorization in order to qualify for final authorization. EPA regulations for final authorization appear at 40 CFR 271.1–271.23.

B. California

California received Phase I interim authorization on June 4, 1981 and Phase IIA on January 11, 1983. California did not apply for Phases IIB and IIC interim authorization.

After soliciting public comments and holding a public hearing on June 6, 1985, California submitted an application for final authorization to EPA on November 7, 1985. The application reflects the federal program that was in effect one year prior to California's submission, or on November 7, 1984. At this time, California is not seeking authorization for any portion of HSWA.

As California did not receive final authorization by January 31, 1986, responsibility for the hazardous waste program reverted to EPA.

EPA has reviewed California's application and has identified a number of concerns. California has resolved these concerns by revising, and by committing to revise, the application. The major concerns with the application are as follows:

- The organization and management of the Department of Health Services' program, primarily in the areas of compliance monitoring, enforcement reporting, and enforcement at RCRA land disposal (ground water monitoring) facilities;
- The process and paper flow for approving closures and issuing permits, and
- The discussion of state statutes and regulations.

The concerns raised by EPA, and the application revisions and proposed revisions are available for public review at the locations identified in "Addresses."

EPA's tentative determination to authorize the state is based on California's commitment to incorporate the proposed revisions in the application (e.g., in the Attorney General's Statement, Program Description, Memorandum of Agreement, etc.) before EPA's final decision. California expects to make these revisions on or before the dates of the public hearings.

In addition to reviewing the application, EPA has also assessed California's capability to operate the RCRA program upon final authorization. In March 1985, as part of the mid-year grant evaluation, EPA reviewed the state's capability and identified problem areas in the state's performance. To assist the state in addressing these problem areas, EPA developed a Capability Assessment Action Plan (CAAP) in June 1985. The CAAP identified the critical capability issues, and specified the actions California needed to take to improve program performance.

The "June 1985" CAAP has allowed EPA to measure the state's performance in recent months. The state has successfully completed many of the CAAP actions. However, performance in several program areas remains of concern, particularly in compliance monitoring and enforcement reporting, and in taking timely and appropriate enforcement actions.

EPA has modified the "June 1985" CAAP to identify the remaining program areas where capability must be demonstrated before EPA can grant final authorization to California. The state is committed to completing the actions in the CAAP. The CAAP, the state's commitment to complete the CAAP actions, and EPA's concerns with the state's recent performance are available for public review at the locations identified in "Addresses."

The significant actions which the state is committed to completing, are as follows:

- Thorough, complete, consistent, and timely documentation of inspections;
- Completion of quality inspections;
- Completion of grant commitments for inspections; and
- Timely and appropriate enforcement action at facilities with Class I violations.

Based on the state's commitment to improve program capability, EPA has tentatively determined that the state should be granted final authorization. EPA expects the state to complete the CAAP actions before a final decision is issued. In accordance with Section 3006 of RCRA and 40 CFR 271.20(d), EPA will hold public hearings on California's application and the Agency's tentative determination. The public may also submit written comments.

In making its final decision to authorize California's program, EPA will consider all public comments received. Issues raised by these comments may be the basis for a decision to deny final authorization to California. EPA will give notice of its final decision in the **Federal Register.** The notice will include a summary of the reasons for the decision and a response to all major comments.

C. Effect of HSWA on California Authorization

Prior to the November 1984 Hazardous and Solid Waste Amendments to RCRA, a state with final authorization would have adminstered its hazardous waste program entirely in lieu of EPA. The federal requirements no longer applied in the authorized state, and EPA could not issue permits to any facilities the State was authorized to permit. When new, more stringent federal requirements were promulgated or enacted, the state was obligated to enact equivalent authority within specified time frames. New federal requirements did not take effect in an authorized state until the state adopted the requirements as state law.

In contrast, under section 3006(g) of RCRA, 42 U.S.C. 6926(g), new requirements and prohibitions imposed by HSWA take effect in authorized states at the same time as they take effect in nonauthorized states. EPA is directed to carry out those requirements and prohibitions in authorized states, including the issuance of full or partial federal permits, until the state is granted authorization to do so. While states must still adopt HSWA-related provisions as state law to retain full authorization, the HSWA applies in authorized states in the interim.

As a result of HSWA, there will be a dual state/federal regulatory program in California if final RCRA authorization is granted. To the extent the authorized state program is unaffected by HSWA, the state's program will operate in lieu of the federal program. Where HSWA-related requirements apply, EPA will administer and enforce these portions of HSWA in California until the state receives authorization to do do.

Any state requirement that is more stringent than a federal HSWA provision will also remain in effect; thus, the universe of the more stringent provisions in HSWA and the approved state program define the applicable Subtitle C requirements in California.

Today's tentative determination does not include authorization for any requirement implementing HSWA. Once the state is authorized to implement a HSWA requirement or prohibition, the state program in that area will operate in lieu of the federal program. Until that time, the state may assist EPA's implementation of HSWA under a Cooperative Agreement.

EPA has published a **Federal Register** notice that explains in detail HSWA and HSWA's effect on authorized states. That notice was published at 50 FR 28702 through 28755, July 15, 1985.

Compliance With Executive Order 12291

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

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. The authorization effectively suspends the applicability of certain federal regulations in favor of California's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the state. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and record-keeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of section 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended. 42 U.S.C. 6912(a), 6926, 6974(b), EPA Delegations 7.

Dated: April 3, 1986.

John Wise,

Acting Regional Administrator.

[FR Doc. 86-9047 Filed 4-21-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 65

[CC Docket 86-127, FCC 86-157]

Common Carrier Services; Reporting Requirements for Interstate Rates of Return

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes the adoption of quarterly reporting requirements for certain telephone companies. If adopted the carriers will be required to report interstate rates of return called for in Part 65 of our Rules. This proposal is made to enable the Commission to implement its decision to enforce maximum rate of return prescriptions and to monitor the carrier's actual performance on an access element-by-element basis.

DATES: Comments must be submitted on or before May 15 and reply comments on or before May 30, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Alan Feldman, Common Carrier Bureau, Industry Analysis Division, Washington, DC 20554, (202) 632-4047.

SUPPLEMENTARY INFORMATION: This is a summary of the Commissions notice of proposed rulemaking, CC Docket 86-127, adopted April 8, 1986, and released April 16, 1986.

The full text of this Commission notice is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this proposal may be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

The collection of information requirement contained in this proposed rule has been submitted to OMB for review under section 3504(h) of the Paperwork Reduction Act. Persons wishing to comment on this collection of information requirement should direct their comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for Federal Communications Commission.

Summary of Notice of Proposed Rulemaking

The Commission is seeking public comment on a proposal to establish FCC Form 492, a quarterly rate of return report, which would be required from local exchange carriers that file individual access tariffs with the Commission. Form 492 shall consist of two parts. The first part shall contain rates of return on a cumulative basis from the start of the enforcement period to the end of the quarter being reported. The second part shall contain information only for the quarter being reported. Also, the National Exchange Carrier Association would provide a quarterly report similar to the one proposed for the local exchange carriers, for the results of the pooled tariffs that it administers. The Commission is also proposing that AT&T be required to submit quarterly filings of individual category earnings based upon the Interim Cost Allocation Manual's principles.

The rulemaking serves three purposes. The Commission is proposing to adopt rules to establish the reports that are required to implement its decision to enforce maximum rate of return prescriptions. The Commission is also proposing to establish some interim quarterly reporting requirements for the local exchange carriers to enable it to monitor carrier's actual performance on an access element-by-element basis. We believe such reports will be assistance in the tariff review process and that the reports will provide us and the carriers with an early warning system if rate adjustments are necessary to correct a significant targeting error. When the Commission's automated reporting and management information system becomes operational, it should obviate the need for the quarterly reports (interim reports) that are used for monitoring purposes. The automated system will not, however, obviate the need for the reports that are filed at the end of a review period and that will be used for rate of return enforcement purposes. Finally, the Commission is proposing to clarify and set time limits for rate base and interperiod adjustments.

The Commission believes this proposal would impose minimal burdens upon both the Commission and the carriers while still providing the agency information it needs to support its regulatory requirements.

Ordering Clauses

Accordingly, it is ordered, That pursuant to the provisions of sections 4(i), 4(j); and 205 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and (j), and 205, there is hereby instituted a notice of proposed rulemaking into the foregoing matters.

It is further ordered, That interested persons may file comments on the specific proposals discussed in this Notice on or before May 15, 1986. Reply comments shall be filed on or before May 30, 1986. In accordance with the provisions of § 1.419 of the Commission's Rules and Regulations, 47 CFR 1.419, an original and five (5) copies of all comments shall be furnished to the Commission. Copies of the comments will be available for public inspection in the Commission's Docket Reference Room, 1919 M Street, NW., Washington, D.C.

It is further ordered, That the Secretary shall serve a copy of this Notice on each state commission.

List of Subjects

47 CFR Part 1

Communications common carriers, Reporting and recordkeeping requirements, Telephone, Rate of return.

47 CFR Part 65

Communications common carriers, Reporting and recordkeeping requirements, Telephone, Rate of return.

William J. Tricarico,

Secretary.

[FR Doc. 86-8901 Filed 4-21-86; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-266; RM-4283]

TV Broadcast Station in Fresno, CA

AGENCY: Federal Communications Commission.

ACTION: Order, Dismissal of proposal.

SUMMARY: Action taken herein denies an action to assign UHF Television Channel 69 to Fresno, California, filed by Millard V. Oakley.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Joel Rosenberg, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Report and Order

(Proceeding Terminated)

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Fresno, California).

Adopted: April 2, 1986.

Released: April 16, 1986.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration its *Notice of Proposed Rule Making*, 48 FR 14692, published April 5, 1983, which proposed the assignment of UHF TV Channel 69 to Fresno, California, at the request of Millard V. Oakley ("petitioner"). The assignment would represent the seventh commercial service to Fresno. Petitioner submitted comments reiterating his intention to apply for the channel, if assigned. Opposing comments were filed by Motorola, Inc. ("Motorola"), the National Association of Business and Educational Radio, Inc. ("NABER"), and Pappas Telecasting Incorporated ("Pappas"). Reply comments were filed by the petitioner, Pappas, and the Association of Maximum Service Telecasters ("MST").

2. Fresno (population 218,202),[1] the seat of Fresno County (population 514,621), is located in central California, approximately 260 kilometers (160 miles) northeast of San Francisco.

3. Motorola is an equipment supplier and systems designer of private land mobile radio systems. NABER is a national association which represents licensees in the Business Radio Service and other private land mobile radio services. Both groups base their opposition to the use of Channel 69 at Fresno on the adverse impact they state the assignment would have on area licensees in the private land mobile services. Motorola states that there are approximately 350 mobile units currently operating on channels adjacent to Channel 69 (800-806-MHz) within 35 miles of the transmitter coordinates used by Oakley, and half of those are mobile units which operate on systems located within 20 miles of that site. In order to avoid the serious interference problems which Motorola and NABER state are unavoidable if Channel 69 is used, they request that another, lower, television channel be allocated.

4. It is noted by MST that the land mobile interests were fully aware when they applied for use of the frequencies adjacent to 806 MHz that Channel 69 would remain available for television broadcasting.

5. On March 1, 1982, the Commission issued a Public Notice, *Channel 14 and 69 Television Permittees' Obligation to Protect Existing Land Mobile Facilities on Adjacent Frequencies from Objectionable Interference*, Mimeo No. 2526. In that release, the Commission has advised all potential applicants for those channels that the grant of their construction permits would be conditioned to provide that, prior to being granted program test authority, they would be required to take adequate measures to provide protection against objectionable interference to existing land mobile radio facilities in the adjacent bands. The ultimate permittee for Channel 69 at Fresno would be required to comply with the interference

[1] Population figures are taken from the 1980 U.S. Census.

protection conditions stated by the Commission prior to its being given program test authority.

6. Pappas states that Fresno already has a plethora of television services, it being assigned seven channels which provide programming from affiliates of each of the three major networks, two independents, one Spanish language and one noncommercial educational station. In addition, it is said to receive service from nearby Hanford and Visalia stations as well as area cable television systems. Therefore, according to Pappas, the Fresno market is already adequately served, and the assignment of an additional channel would only jeopardize the economic viability of both the existing and new service. Pappas further questions the qualifications of petitioner's consultant as well as the motives and financial qualifications of the petitioner in seeking a full service television assignment. Pappas alleges that Oakley's consultant has advertised that by applying for the allotment of full service television channels and then applying for use of such frequency with the minimum power allowed, those persons stymied by the Commission's current freeze on low power television applications can still become involved in television broadcasting. It further states that according to Commission records, the petitioner is involved in no less than eight television proposals and therefore cannot validly state its intention to apply for each facility in conformance with the Commission's multiple ownership rules. These rules limit one party's ownership to no more than seven television stations, with no more than five being VHF. See, § 73.636 of the Commission's Rules.

7. In reply to the allegations of Pappas and NABER, petitioner states that NABER seeks the conversion of the UHF allocations to land mobile use, and the issue should be raised in a separate rule making. The basis for Pappas' objections, he alleges, are simply the desire to avoid further competition to its existing station and its aversion to use of a consultant who "markets its' services."

8. The objections of Pappas are not issues which can be decided in a rule making proceeding. The Commission does not oversee the choice of consultants to represent an interested party before the agency. It is incumbent upon a petitioner to be aware of the requirements which will be imposed upon him should be become a Commission licensee and be prepared to fulfill such requirements. Likewise, the financial ability of a petitioner to follow through with an application and construction of broadcast facility is an issue which is more properly handled at the application stage. Although it was true that a party could not own more than seven [2] facilities in each of the broadcast services, those limits have been raised to twelve. Further, the Commission does not guarantee that the party petitioning for the assignment of a frequency will become the ultimate licensee. Therefore, even though he may not apply for authorization to operate more than twelve stations, he may petition to have a reasonable number of additional channels assigned to particular communities in the belief that he may not be awarded the license for each of his prior-requested channels. It is expected, however, that should a party receive permits for the maximum number of stations, he would then notify the Commission of that fact and seek dismissal of any pending rule makings seeking assignments for which he could not apply.

9. The Commission recognizes that operation of a television station on Channel 69 can lead to objectionable interference to land mobile users operating on adjacent spectrum (800–806 MHz).[3] In this regard, the Commission ordered changes in the operations of various land mobile stations in order to eliminate interference caused by a Channel 69 station in Atlanta, Georgia.[4] Such action was taken after various other attempts to correct the problem such as reducing the television licensee's daytime operating power to six percent of full power (166 kw) proved ineffectual. The Commission does not believe that the referenced Atlanta situation is unique. Thus, it is suspending all Channel 69 assignments until it can find an adequate solution to the problems caused by electromagnetic emissions from new television stations on adjacent land mobile facilities.

10. Accordingly, in light of the above, It Is Ordered, That the Petition for Rule Making filed by Millard V. Oakley IS DENIED.

11. It is Further Ordered, That this proceeding IS TERMINATED.

12. For further information concerning the above, contact Joel Rosenberg, Mass Media Bureau, (202) 634–6530.

[2] See: Amendment of § 73.3555 (formerly §§ 73.35, 73.240, and 73.636) of the Commission's Rules Relating to Multiple Ownership of AM, FM and Television Broadcast Stations, 100 F.C.C. 2d 74 (1985).

[3] See: Channel 14 and 69 Television Permittees' Obligation to Protect Existing Land Mobile Facilities on Adjacent Frequencies from Objectionable Interference, supra.

[4] Broadcast Corporation of Georgia (WVEU–TV), Atlanta, Georgia F.C.C. 84–38, Mimeo No. 34237, released March 8, 1984.

Federal Communications Commission

Ralph A. Haller,

Acting Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86–8908 Filed 4–21–86; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 86–138; RM–5204]

FM Broadcast Station in Brooksville, FL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the allotment of Channel 225A to Brooksville, Florida, as a first FM service, in response to a petition filed by Radio Development Laboratories.

DATES: Comments must be filed on or before June 9, 1986, and reply comments on or before June 24, 1986.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations (Brooksville, Florida); MM Docket No. 86–138, RM–5204.

Adopted: April 8, 1986.

Released: April 16, 1986.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed by Radio Development Laboratories ("petitioner") requesting the allotment of Channel 225A to Brooksville, Florida, as its first FM service. Petitioner stated its intention to apply for the channel.

2. We believe that the proposal warrants consideration. The channel can be allotted in compliance with the distance separation requirements provided a site restriction of 6.8 km (4.2 miles) is imposed. In view of the foregoing, the Commission seeks

comments on the proposal to amend the FM Table of Allotments, § 73.202(b) of the Rules, with regard to the community listed below:

City	Channel No.	
	Present	Proposed
Brooksville, FL		225A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

5. Interested parties may file comments on or before June 9, 1986, and reply comments on or before June 24, 1986, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows:

William B. Maggio, Radio Development Laboratories, 27316 Hickory Hill Road, Brooksville, Florida 33512, (petitioner).

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Allotments. § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 86-8904 Filed 4-21-86; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 86-132; RM-5145]

TV Broadcast Station in Warner Robins, GA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF television Channel 35 to Warner Robins, Georgia, as its first television service in response to a petition filed by Steven D. King.

DATES: Comments must be filed on or before June 9, 1986, and reply comments on or before June 24, 1986.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73:

Television broadcasting.

The authority citation for Part 73 continue to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Notice of Proposed Rule Making

In the matter of amendment of §73.606(b), Table of Assignments, Television Broadcasting Stations (Warner Robins, Georgia); MM Docket No. 86–132, RM 5145.

Adopted: April 7, 1986.

Released: April 16, 1986.

By the Chief, Policy and Rules Division.

1. The Commision herein considers a petition for rule making filed by Steven D. King ("petitioner") requesting the assignment of UHF Television Channel 35 to Warner Robins, Georgia. Petitioner stated his intention to apply for the channel.

2. Warner Robins (population 39,893) in Houston County (population 77,605) [1] is located in central Georgia, approximately 95 miles southeast of Atlanta. Warner Robins is currently without local television service. The proposed assignment of Channel 35 to Warner Robins would require a site restriction 1.4 miles southeast of the city to avoid short spacing to unused Channel 35 at Lafayette, Georgia.

3. In view of the fact that the proposed assignment could provide a first local television service to Warner Robins, comments are invited on the proposal to amend the Television Table of Assignments, §73.606(b) of the Rules, as it pertains to the following community:

City	Channel No.	
	Present	Proposed
Warner Robins, GA		35

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before June 9, 1986, and reply comments on or before June 24, 1986, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: Larry G. Fuss, Sr., Contemporary Communications, Post Office Box 3976, Jackson, Georgia 30233 (consultant to the petitioner)

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(e)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 86–8906 Filed 4–21–86; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1980 U.S.Census.

47 CFR Part 73

[MM Docket No. 86-137; RM-5176]

FM Broadcast Station in Montauk, NY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the allocation of Channel 284A to Montauk, New York, as the community's first local FM service, at the request of MarkKey Broadcasting Company.

DATES: Comments must be filed on or before June 9, 1986, and reply comments on or before June 24, 1986.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73.

Radio broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations (Montauk, New York); MM Docket No. 86-137, RM-5176.

Adopted: April 8, 1986.
Released: April 16, 1986.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration the petition for rule making submitted on behalf of MarKey Broadcasting Company ("petitioner") requesting the allocation of Channel 284A to Montauk, New York, as the community's first local FM service. Petitioner states that it will apply for the channel, if allocated. Channel 284A can be allocated in compliance with the Commission's minimum distance separation and other technical requirements.

2. Peititioner describes Montauk as an unincorporated community which is not listed in the U.S. Census reports. Petitioner states that Montauk, located at the southeastern tip of Long Island's easternmost peninsula, is a resort area with a year-round population of 1,300-2,000 persons and a summertime population which ranges from 25,000 to 30,000 persons. Further, it states that Montauk has its own Chamber of Commerce, post office and zip code, fire department, public library, school system, and local businesses which identify with the community. Based on this information, petitioner contends that Montauk is a geographically identifiable population grouping and thus can be considered a community within the meaning of section 307(b) of the Communications Act of 1934 as amended.

3. We agree with the petitioner that Montauk is a "community" and thus eligible for a broadcast allotment. Montauk is, in fact, listed in the U.S. Census as a Census Designated Place ("CDP") and attributed with a fulltime population of 2,828 persons. As defined by the Census Bureau, CDP's consist of closely settled population centers without corporate limits, the boundaries of which are delineated by the Census Bureau. These communities have been included in the previous Census reports and identified as "unincorporated places" ("U"). While the Commission has held that a listing in the U.S. Census may not be sufficient in itself to determine that an area meets the "community" criteria mandated by section 307(b) of the Act, the demographic data supplied by the petitioner also convinces us that Montauk does indeed qualify as a "community" for allotment purposes.

4. We believe the public interest would be served by proposing to allocate Channel 284A to Montauk, New York, as it would provide the community with its first local FM service. Accordingly, we propose to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules, with respect to the community listed below, to read as follows:

City	Channel No.	
	Present	Proposed
Montauk, NY		284A

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. **Note:** A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

6. Interested parties may file comments on or before June 9, 1986, and reply comments on or before June 24, 1986, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: Russell D. Lukas, Esq., Lukas, McGowan, Nace & Gutierrez, Chartered, 1090 Vermont Avenue, NW., Suite 650, Washington, D.C. 20005.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding contact Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530. However members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communication Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showing Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to

file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the peititioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 86-8905 Filed 4-21-86; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 74

[MM Docket No. 86-112; RM-5219; FCC 86-147]

Radio Broadcasting; Satellite and Terrestrial Microwave Feeds to Noncommercial Educational FM Translators

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: This Notice of Proposed Rule Making requests comments on a proposal to permit noncommercial educational FM translators to rebroadcast programming they receive by microwave or satellite feeds from their commonly-owned noncommercial educational FM broadcast stations. This authority would apply only in cases where the translator is assigned to reserved noncommercial channels. This Notice is issued in response to a petition for rule making filed by the Moody Bible Institute of Chicago. The proposed change to the Commission's rules would make more reliable and higher quality signals available to areas that are currently unserved or underserved by noncommercial radio service.

DATES: Comments are due on or before July 1, 1986, and reply comments on or before August 1, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

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

SUPPLEMENTARY INFORMATION:

List of Subjects 47 CFR Part 74

FM Broadcast Translator Stations, Radio broadcasting.

[MM Docket No. 86-112, RM-5219; FCC 86-147]

This is a summary of the Commission's notice of proposed rule making in MM docket No. 86-112, RM-5219, adopted April 3, 1986, and released April 16, 1986.

The full text of this Commission Decision is available for inspection and copying during normal business hours in the FCC dockets branch (room 230), 1919 M Street, Northwest, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, Northwest, Suite 140, Washington, DC 20037.

Summary of Notice of Proposed Rule Making

1. On October 31, 1985, the Moody Bible Institute of Chicago (Moody) petitioned the Commission to amend its rules to permit noncommercial educational FM translators to receive signals fed by satellite or terrestrial microwave facilities. Moody proposes that this expanded authority be limited to the rebroadcast of the parent station on its owned and operated translators. The petitioner also proposes that the authority for use of microwave and satellite feeds be limited translators assigned to noncommercial educational reserved channels (Channels 200-220). Comments filed by Family Stations, Inc., Northern Michigan University and KPSI Radio Corp. generally support Moody's petition. The National Association of Broadcasters, National Radio Broadcasters Association and National Public Radio filed oppositions to Moody's petition.

2. The Commission believes that it is now appropriate to consider Moody's proposal. We have recently concluded several related radio proceedings in Docket Nos. 80-90, 84-231 and 20735 that, while still unresolved, had led in part to our 1984 denial of a similar petition filed by Moody in 1981.[1] We believe that this proposal for limited expansion of FM translator authority may offer technical and public interest benefits to licensees and to radio audiences, especially those in remote areas that are currently underserved by noncommercial radio services. The proposed revision to our rules would alleviate a number of FM translator technical problems that are inherent in over-the-air reception of signals. The use of microwave and satellite technology would permit a higher quality signal to be received and permit the signal to reach more remote areas that those that can be reached currently with traditional over-the-air broadcast technology. Further, we believe that in some instances the cost of service per listener would decrease so that noncommercial educational stations would have more resources for programming. On this basis, we believe that the proposal could promote better service for those currently receiving noncommercial FM radio via translators

[1] *See,* the Commission's denial of Moody's 1981 petition by *Memorandum Opinion and Order* in Docket 19918, 98 FCC 2d 35 (1984). *See,* also, *Report and Order* in BC Docket No. 80-90, 48 FR 29486 (1983), recon. *Memorandum Opinion and Order* in BC Docket No. 80-90, 49 FR 10260 (1984) and *First Report and Order* in MM Docket 84-231, 50 FR 3514 (1985).

and extend radio service to understand areas.

3. Accordingly, we propose to amend § 74.1231 of our rules, as set forth in the attached Appendix, to authorize the use of microwave and satellite distribution of noncommercial educational radio signals by qualified stations. In order to qualify for this authority, the broadcast station and its authorized noncommercial translator must be commonly-owned and the translator station would have to be assigned to the noncommercial educational reserved channels. We also propose to amend §§ 74.501, 74.531, 74.532 and 74.1250 of our rules, as set forth in the Appendix, to make noncommercial educational FM station licensees eligible for licenses for the aural broadcast intercity relay stations necessary to relay their programming by microwave to their translator stations.

4. This is a non-restrictive notice and comment rule making proceeding. *See* § 1.1231 of the Commission's rules, 47 CFR 1.1231, for rules governing permissible *ex parte* contacts.

5. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 605, this proceeding will benefit licensees and radio audiences by extending noncommercial educational signals to underserved areas. Public comment is requested on the initial regulatory flexibility analysis set out in full in the Commission's complete decision.

6. The proposal contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection and/or record keeping, labeling, disclosure, or record retention requirements; and except for the additional applications expected to be received, the proposed rules would not increase or decrease burden hours imposed on the public.

7. Pursuant to the applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before July 1, 1986, and reply comments on or before August 1, 1986. All relevant and timely comments will be considered by the Commission before final aciton is taken in this proceeding.

8. This Notice of Proposed Rule Making is issued pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Part 74 of Title 47 of the Code of Federal Regulations is proposed to be amended to read as follow:

The authority citation for Part 74 would continue to read as follows:

Authority: 47 U.S.C. 154 and 303.

2. 47 CFR 74.501 is proposed to be amended by revising paragraph (b) to read as follows:

§ 74.501 Classes of aural broadcast auxiliary stations.

* * * * *

(b) *Aural broadcast intercity relay station.* A fixed station for the transmission of aural program material between radio broadcast stations, other than international broadcast stations, and between noncommercial educational FM radio broadcast stations and their co-owned noncommercial educational FM translator stations.

* * * * *

3. 47 CFR 74.531 is proposed to be amended by redesignating paragraphs (c) through (f) as (d) through (g) and adding new paragraph (c) to read as follows:

§ 74.531 Permissible service.

* * * * *

(c) An aural broadcast intercity relay station is authorized to transmit aural program material between a noncommercial educational FM station and a noncommercial educational FM translator station operating on a NCE reserved channel (Channels 200 to 220) and owned, operated, and controlled by the licensee of the originating NCE FM station.

* * * * *

4. 47 CFR 74.532 is proposed to be amended by revising paragraph (a) to read as follows:

§ 74.532 Licensing Requirements.

(a) An aural broadcast STL or intercity relay station will be licensed only to the licensee or licensees of broadcast stations other than international broadcast stations, and for use with broadcast stations or noncommercial educational FM translator stations owned entirely by or under common control of the licensee or licensees.

* * * * *

5. 47 CFR 74.1231 is proposed to be amended by revising paragraph (b) to read as follows:

§ 74.1231 Purpose and permissible service.

* * * * *

(b) Except as set forth in paragraph (f) and (g) of this section, an FM translator may be used only for the purpose of retransmitting the signals of a primary FM broadcast station or another FM translator station which have been received directly through space, converted, and suitably amplified. A noncommercial educational FM translator station operating on a NCE reserved FM channel (Channel 200 to 220) licenced to the licensee of a NCE-FM station may additionally retransmit the signals of such a primary NCE-FM station which have been received by satellite or terrestrial microwave link.

* * * * *

6. 47 CFR 74.1250 is proposed to be amended by revising paragraph (a) to read as follows:

§ 74.1250 Transmitters and associated equipment.

(a) FM translator and booster transmitting apparatus used by stations authorized under the provisions of this subpart may only use transmitting apparatus that has been type accepted for such use in accordance with Subpart J of Part 2. Translator stations authorized for transmitter output power of 10 watts may also use FM broadcast transmitters notified or type accepted to operate with an output power not exceeding 10 watts under the provisions of Part 73 of the Rules for broadcast stations.

* * * * *

[FR Doc. 88-8900 Filed 4-21-86; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 51, No. 77
Tuesday, April 22, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Adjudication; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Adjudication of the Administrative Conference of the United States, to be helf at 10:00 a.m., Wednesday, April 30, 1986, at 2120 L Street, NW., FTC Hearing Room #1 (Lower Level), Washington, D.C. The committee will meet to consider reports and recommendations from Professor George Johnson of George Mason University School of Law on the OSHA–OSHRC enforcement model and Professor Richard Pierce of the University of Pittsburgh School of Law on the use of the Federal Rules of Evidence in Federal agency adjudications. For further information, call Richard K. Berg, 202–254–7065.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least one day in advance. The committee chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the committee before, during or after the meeting. Minutes of the meeting will be available on request.

Richard K. Berg,

General Counsel.

April 18, 1986.

[FR Doc. 86–9107 Filed 4–21–86; 8:45 am]

BILLING CODE 6110–01–M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

National Plant Genetic Resources Board Meeting

According to the Federal Advisory Committee Act of October 1972 (Pub. L. 92–463, 86 Stat. 770–776), the USDA, Science and Education, announces the following meeting:

Name: National Plant Genetic Resources Board.

Date: May 14–15, 1986.

Time: 8:30 a.m.–4:30 p.m., May 14; 8:30 a.m.–4:30 p.m., May 15.

Place: Room 104–A, Williamsburg Room, Administration Building, Department of Agriculture, Washington, DC.

Type of Meeting: Open to the public. Persons may participate in the meeting as time and space permits.

Comments: The public may file written comments before or after the meeting with the contact person below.

Purpose: To review matters that pertain to plant germplasm in the United States and possible impacts on related national and international programs; and discuss other initiatives of the Board.

Contact Person: C.F. Murphy, Executive Secretary, National Plant Genetic Resources Board, U.S. Department of Agriculture, BARC-West, Room 239, Building 005, Beltsville, Maryland 20705. Telephone (301) 344–1560.

Done at Beltsville, Maryland, this 27th day of April 1986.

Charles F. Murphy,

Executive Secretary, National Plant Genetic Resources Board.

[FR Doc. 86–8947 Filed 4–21–86; 8:45 am]

BILLING CODE 3410–03–M

Cooperative State Research Service

Committee of Nine; Open Meeting

In accordance with the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776), the Cooperative State Research Service announces the following meeting:

Name: Committee of Nine.

Date & Time: May 22–23, 1986; 8:30 a.m.–4:30 p.m., 8:30 a.m.–2:00 p.m.

Place: Room 336–A Administration Building, Department of Agriculture, Washington, DC. 20251.

Type of Meeting: Open to the public. Persons may participate in the meeting as time and space permit.

Comments: The public may file written comments before or after the meeting with the contact person listed below.

Purpose: To evaluate and recommend proposals for cooperative research on problems that concern agriculture in two or more States, and to make recommendations for allocatien of regional research funds appropriated by Congress under the Hatch Act for research at the State agricultural experiment stations.

Contact Person for Agenda and More Information: Dr. Edward M. Wilson, Recording Secretary, U.S. Department of Agriculture, Cooperative State Research Service, Room 206 Justin Smith Morrill Building Washington, DC. 20251; telephone 202/447–4587.

Done at Washington, DC, this 10th day of April 1986.

John Patrick Jordan,

Administrator, Cooperative State Research Service.

[FR Doc. 86–8988 Filed 4–21–86; 8:45 am]

BILLING CODE 3410–22–M

Soil Conservation Service

Station Hill RC&D Flood Prevention Measure, Ft. Kent, ME

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Station Hill RC&D Flood Prevention Measure, Aroostook County, Maine.

FOR FURTHER INFORMATION CONTACT: Ron E. Hendricks, State Conservationist, Soil Conservation Service, USDA Office Building, University of Maine, Orono, Maine 04473, telephone 207–866–2132.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings Ron E. Hendricks, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for a water control and disposal system which provides flood protection to residences and town roads. The planned system consists of the installation of 2 diversions with a reinforced concrete pipe outlet.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Ron E. Hendricks.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.901—Resource Conservation and Development and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with state and local officials)

Dated: April 14, 1986.

Charles Whitmore,

Deputy State Conservationist.

[FR Doc. 86-8979 Filed 4-21-86; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 13-86]

Foreign-Trade Zone 84, Harris County, TX (Houston POE); Amendment of Zone Plan

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Port of Houston Authority (PHA), grantee of Foreign-Trade Zone 84, requesting an amendment to its zone plan by adding 5 warehousing and business park sites in Harris County, Texas, within the Houston Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 USC 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on March 7, 1986.

PHA received authority from the Board to establish a multisite foreign-trade zone in Harris County, Texas, on July 15, 1983 (Board Order 214, 48 FR 34792, 8/1/83). While 5 PHA sites were approved as conventional ones, the remaining sites were approved for 5 years subject to special conditions. The zone plan was amended in 1985 to delete 8 and add 10 non-PHA sites subject to the same time limitations and conditions as the original ones (Board Order 303, 50 FR 20252). The proposed amendment of the plan would also be subject to the same time limitation and conditions as the other non-PHA sites

The proposed amendment would involve adding three warehousing operations and two business park sites to the zone project; the Care Shipping, Inc. facility, located on a 34-acre site on Peninsula Blvd. Near the intersection with Sheldon Road in the Jacintoport area, Harris County; the Mirrer's Warehouse and Storage Co, Inc. operation, located on a 26-acre site at 8833 City Park Loop, Houston; the Manchester Terminal Corporation facility, located on a 73-acre site at 10000 Manchester Blvd., Houston; Easley Investment Corporation's 13-ace Interpark-Rankin development on 1920 Rankin Road, Houston; and, the Transcentral Business Park on McAulty Road, Houston.

In accordance with the regulations, an examiners committee has been appointed to investigate the application and report to the board. The committee consists of: John J. Da Ponte, Jr. (Chairman), Director, Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Donald Gough, Deputy Assistant Regional Commissioner, U.S. Customs Service, Southwest Region 5850 San Felipe Street, Houston, TX 77057; and Colonel Gordon M. Clarke, District Engineer, U.S. Army Engineer District Galveston, P.O. Box 1229, Galveston, TX 77553.

Comments concerning the proposed amendment of zone plan are invited in writing from interested parties. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before May 19, 1986.

A copy of the application is available for public inspection at each of the following locations:

U.S. Dept. of Commerce District Office, 2625 Federal Courthouse, 515 Rusk Street, Houston, Texas 77002

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Dept. of Commerce, Room 1529, 14th. and Pennsylvania NW., Washington, D.C. 20230

Dated April 16, 1986.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 86-8960 Filed 4-21-86; 8:45 am]

BILLING CODE 3510-DS-M

[A-122-506]

Antidumping; Oil Country Tubular Goods From Canada; Final Determination of Sales at Less Than Fair Value

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: We have determined that oil country tubular goods (OCTG) from Canada are being, or are likely to be, sold in the United States at less than fair value. Welded Tube of Canada, Ltd., is excluded from this determination. We have notified the U.S. International Trade Commission (ITC) of our determination, and we are directing the U.S. Customs Service to suspend the liquidation of all entries of oil country tubular goods from Canada that are entered, or withdrawn from warehouse, for consumption, on or after April 20, 1986 and to require a cash deposit or bond for each entry in an amount equal to the estimated dumping margin as described in the "Suspension of Liquidation" section of this notice.

EFFECTIVE DATE: April 22, 1986.

FOR FURTHER INFORMATION CONTACT: Steven Lim or Charles E. Wilson, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-1776 or (202) 377-5288.

Final Determination

Based upon our investigation, we have determined that OCTG from Canada are being, or are likely to be, sold in the United States at less than fair value, as provided in section 735(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1673d(a)) (the Act). We made fair value comparisons on approximately 83 percent of the sales of the class or kind of merchandise to the United States during the period of investigation. Comparisons were based on the United States price and foreign market value. The company-specific margins are: Algoma Steel Corp., Ltd. (Algoma), 14.26 percent; Ipsco, Inc. (Ipsco), 40.85 percent; Sonoc Steel Tube, Ltd. (Sonco), 3.35 percent; and Welded Tube of Canada, Ltd. (Welded Tube), 0 percent.

Since Welded Tube had no sales at less than fair value, that company is excluded from this final determination of sales at less than fair value.

Case History

On July 22, 1985, we received a petition from the Lone Star Steel Company (Lone Star) and CF&I Steel Corporation (CF&I) on behalf of the domestic OCTG industry. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of OCTG from Canada are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports are materially injuring, or are threatening material injury to, a U.S. industry. The petition also alleged that sales of the subject merchandise were being made at less than the cost of production and that critical circumstances exist. After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping duty investigation. We initiated the investigation on August 19, 1985 (50 FR 33387). On September 11, 1985, the ITC determined that there is reasonable indication that imports of OCTG from Canada are materially injuring a U.S. industry (50 FR 37066).

We presented antidumping duty questionnaires to counsel for Ipsco and to counsel for Algoma, Sonco, and Welded Tube, Canadian producers and exporters of the products under investigation, on September 5, 1985. The responses were received on October 22, 1985.

On January 7, 1986, we published a preliminary determination of sales at less than fair value with respect to this merchandise (51 FR 660). The notice stated that if the investigation proceeded normally, we would make our final determination by March 17, 1986.

On January 15, 1986, counsels for the respondents requested a postponement of the final determination. We granted this request and postponed the final determination until not later than April 16, 1986 (51 FR 3389). In accordance with section 774(a) of the Act, a public hearing was held on March 5, 1986.

Scope of Investigation

The products covered by this investigation are "oil country tubular goods" which are hollow steel products of circular cross section intended for use in the drilling for oil or gas. These products include oil well casing, tubing and drill pipe of carbon or alloy steel, whether welded or seamless, manufactured to either American Petroleum Institute (API) or non-API (such as proprietary) specifications as currently provided for in the *Tariff Schedules of the United States, Annotated* (TSUSA) under item numbers 610.3216, 610.3219, 610.3233, 610.3234, 610.3242, 610.3243, 610.3249, 610.3252, 610.3254, 610.3256, 610.3258, 610.3262, 610.3264, 610.3721, 610.3722, 610.3751, 610.3925, 610.3935, 610.4025, 610.4035, 610.4210, 610.4220, 610.4225, 610.4230, 610.4235, 610.4240, 610.4310, 610.4320, 610.4325, 610.4335, 610.4942, 610.4944, 610.4946, 610.4954, 610.4955, 610.4956, 610.4957, 610.4966, 610.4967, 610.4968, 610.4969, 610.4970, 610.5221, 610.5222, 610.5226, 610.5234, 610.5240, 610.5242, 610.5243, and 610.5244. This investigation includes OCTG that are in both finished and unfinished condition.

Fair Value Comparisons

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value.

United States Price

Where the merchandise was sold to unrelated U.S. purchasers prior to its importation into the United States, we used the purchase price of the subject merchandise, as provided in section 772(b) of the Act, to represent the United States price. We calculated the purchase price based on the delivered, packed, duty paid price to unrelated U.S. purchasers. We deducted brokerage charges, U.S. duty and inland freight.

We used exporter's sale price (ESP) as the United States price where the merchandise was sold to unrelated purchasers after importation, as provided for in section 772(c) of the Act. We deducted brokerage charges, U.S. duty, inland freight, U.S. processing expenses, credit, warranty, and other selling expenses, where appropriate. With respect to Algoma, we made additions for import duties, paid by Canadian producers on imports of raw materials, which were rebated or not collected by reason of the exportation of the merchandise to the United States, pursuant to section 772(d)(1)(B) of the Act.

Foreign Market Value

The petitioners alleged that sales in the home market were at prices below the cost of production. We examined costs of production which included all appropriate costs for materials, fabrication and general expenses.

In accordance with section 773(a)(1)(A) of the Act, for Algoma, Ipsco and Welded Tube, where we found sufficient sales above the cost of production in the home market, we used home market prices to determine foreign market value. Where there were insufficient sales of such or similar merchandise in the home market, or where there were insufficient sales above the cost of production, we used constructed value as the basis for comparison.

Where foreign market value was based on home market prices, we made comparisons of such or similar merchandise based on type, grade, dimension and end finish as selected by Commerce Department industry experts. Where foreign market value was based on constructed value, we used appropriate production costs for the period under investigation as the basis for the constructed value for each product group.

We calculated the market prices for each product on the basis of delivered prices to unrelated purchasers. From these prices, we deducted foreign inland freight. We made adjustments, where appropriate, for differences in circumstances of sale related to commissions, warranties and credit expenses pursuant to § 353.15 of our regulations. We also made adjustments for differences in the physical characteristics of the merchandise pursuant to § 353.16 of our regulations. We disallowed a claimed adjustment for differences in level of trade between U.S. and Canadian markets.

In addition, when comparing exporter's sales price to the home market price, we deducted indirect selling expenses from the home market price but limited the deduction to the amount of the U.S. indirect selling expenses in accordance with § 353.15 of our regulations. We also allowed quantity discounts in accordance with § 353.14 of our regulations, and we made adjustments, where appropriate, for differences in packing costs.

In accordance with section 773(e) of the Act, we calculated foreign market value for Sonco based on constructed value. For Sonco, there were no sales of such or similar merchandise in the home market or in third country markets.

We calculated the constructed value by totaling the costs of materials used in producing such or similar merchandise, fabrication, general expenses, profit, and packing costs for shipments to the United States. Where the amount for general expenses was less than ten percent of the cost of materials and fabrication, we adjusted it to the statutory minimum of ten percent. Where the amount for profit was less than eight percent of the sum for the costs of materials, fabrication and general expenses, we adjusted it to the

statutory minimum of eight percent. In certain instances, where information in the submissions of respondents was insufficient, the best information available was used. Where appropriate for constructed value, adjustments were made under §353.15 of the Commerce Regulations for differences in circumstances of sale between the two markets. These adjustments were for differences in credit and warranty expenses. Also, where appropriate for exporter's sales price transactions, adjustments were made to foreign market value under § 353.15(c) to account for indirect selling expenses incurred in the home market sales of the "same class or kind of merchandise," up to the amount of indirect selling expenses incurred on U.S. sales.

For comparisons involving purchase price transactions, when calculating foreign market value, we made currency conversions from Canadian dollars to U.S. dollars in accordance with § 353.56(a) of our regulations, using the Federal Reserve certified daily exchange rates. For comparisons involving exporter's sales price transactions, we used the official exchange rate for the date of purchase pursuant to section 615 of the Trade and Tariff Act of 1984 (1984 Act). We followed section 615 of the 1984 Act rather than § 353.56(a) of our regulations, as it supersedes that section of the regulations.

Final Negative Determination of Critical Circumstances

Counsel for petitioners alleged that imports of OCTG from Canada present "critical circumstances" within the meaning of section 733(e)(1) of the Act. Critical circumstances exist when the Department has a reasonable basis to believe or suspect that: (1) There have been massive imports of the merchandise under investigation over a relatively short period; and (2)(a) there is a history of dumping in the United States or elsewhere of the merchandise under investigation, or (b) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise under investigation at less than its fair value.

We generally consider the following concerning massive imports: (1) Volume and value of imports (2) seasonal trends, and (3) the share of domestic consumption accounted for by the imports.

In considering this question, we analyzed recent trade statistics on import levels, import penetration ratios for OCTG from Canada for equal periods immediately preceding and following the filing of the petition, and seasonal factors. Based on our analysis of recent trade data, we found that imports of OCTG from Canada during the period subsequent to receipt of the petition have not been massive when compared to recent import levels and import penetration ratios. For the reasons described above, we determine that "critical circumstances" do not exist with respect to OCTG from Canada.

Verification

As provided in section 776(a) of the Act, we verified the information provided by the respondents by using standard verification procedures, including examination of relevant sales and accounting records of the company.

Issues

The major issues raised at our public hearing of March 5, 1986, and in the written comments submitted are as follows:

Petitioner's Comments

Comment 1: The petitioner and a domestic interested party (with regard to Sonco) assert that the Department should reject the responses submitted by Algoma, Sonco, and Welded Tube as inadequate and, therefore, should use the best information available.

DOC Position: We have examined the responses in this case and have determined that there are no grounds for disregarding, in total, the responses of Algoma, Sonco and Welded Tube as unresponsive. Generally, the Department will examine a respondent's questionnaire response to determine if it provides a reasonable amount of information upon which a determination can be made. Where such a response is clearly inadequate for such purposes, the Department disregards it and uses best information available. Where responses are deficient in certain areas, respondents are allowed the opportunity to clarify those areas. The Department will use best information available with regard to those areas where clarifications by respondents have not been adequate or timely enough to make an informed determination.

The Department does not feel that the responses submitted in this investigation are so clearly deficient as to warrant disregarding them. We have sought clarification of certain issues and have made our findings and calculations based upon the information available to us which we believe was most dependable for purposes of fair value comparisons. In certain instances, where information in the found to be insufficient, we used the best information available.

Comment 2: The petitioner contends that Algoma failed to provide specific costs for the production costs during the period of investigation in its response. Therefore, the Department should reject the cost data submitted by the producer and use the best information available.

DOC Position: The information in the response reflected the form in which the company's accounting system complies such data. Additionally, more detailed information was presented for one product, as an example of the specific costs included in the total amount. Under these circumstances, the Department concluded that the information presented in the response was reasonable.

Comment 3: Petitioner contends that Algoma submitted data representing cost of goods sold as opposed to production costs and, thus, the Department should use the best information available to determine the cost of production.

DOC Position: The Department concluded, after its review, that the cost of goods sold, as adjusted, included all costs, appropriately valued, related to the production of OCTG.

Comment 4: Petitioner contends that the Department should not deduct interest income from Algoma's selling, general and administrative expenses (SG&A).

DOC Position: The Department followed the usual practice and offset the interest expense with only the interest income from incidental investment related to the ordinary course of business.

Comment 5: Petitioner argues that the Department should not allow Algoma's adjustments to the cost of goods sold. These adjustments depart from Algoma's normal accounting procedures, and violate the Department practice of relying on a respondent's normal accounting practices in calculating the constructed value.

DOC Position: We agree. These adjustments were disallowed.

Comment 6: Petitioner claims that Algoma improperly reclassified certain manufacturing expenses as part of SG&A. Each of these expenses is associated with the production of OCTG and, therefore, properly considered a manufacturing expense.

DOC Position: We agree. The final determination treated the general works expenses as manufacturing overhead.

Comment 7: Petitioner argues that Algoma improperly shifted allocations of certain expenses from regular casing to high strength casing. Furthermore, they argue that Algoma improperly allocated certain expenses based on man-

hours per ton, rather than based on ton produced, their normal accounting practice. The Department should not allow such adjustments.

DOC Position: We agree. Algoma's reallocations were disallowed for the final determination.

Comment 8: Petitioner argues that because Algoma made improper adjustments to its costs, the Department should not rely on Algoma's submitted cost data. However, if the Department does use Algoma's data in its final determination, the Department should adjust that data to properly allocate overhead and depreciation expenses to OCTG.

DOC Position: The submitted cost data was used. Adjustments were made to depreciation and overhead areas.

Comment 9: Petitioner argues Algoma's interest on long-term debt must be included in SG&A expense. The respondent's rationale for excluding the expense ignores that the steel for OCTG is produced in-house and that debt is fungible.

DOC Position: We agree. Interest on long-term debt was included for the final determination.

Comment 10: Petitioner argues that Algoma's depreciation, fixed overhead costs and SG&A expenses should be included in the U.S. manufacturing cost adjustment.

DOC Position: We agree. These costs were included for the final determination.

Comment 11: Petitioner argues that information submitted by Ipsco on March 4, 1986, regarding Ipsco's costs for prime and limited service production costs should be disregarded.

DOC Position: The calculations submitted by Ipsco on March 4, 1986, were not used as the basis for this final determination.

Comment 12: Petitioner claims that Ipsco's bad debt expense adjustment to FMV should be disallowed since it was not written off as a loss during the period of investigation. Further, Ipsco improperly considered this to be a direct selling expense, contrary to the Departmental practice of treating such items as indirect selling expenses.

DOC Position: We agree that we should disallow this claim. Normally, we consider bad debt losses when the company writes them off in accordance with their own practices. In Ipsco's case, the debt in question is to be settled in court and is not considered a loss. Therefore, the claim is disallowed.

Comment 13: Petitioner claims that Ipsco overstated its warranty expenses by including secondary costs that should not be treated as direct warranty adjustments; instead, they should be treated as indirect selling expenses.

DOC Position: During the verification, Department officials established from Ipsco's source documents that the included expenses were directly related to the warranty costs of the pipes. Therefore, such expenses were considered as part of warranty expenses in the circumstances of sales adjustments.

Comment 14: Petitioner claims that in calculating Ipsco's freight costs the Department should use average freight costs rather than the actual freight cost, because these are the only costs that have been verified for all markets.

DOC Position: We agree and have used the verified average freight costs.

Comment 15: Petitioner contends that the Department should use Ipsco's actual production costs rather than the calculated "normalized" costs proposed by Ipsco. Contrary to Ipsco's assertions, its actual cost are not extraordinary within the Department's definition of the term and therefore are the appropriate costs to use the final determination. Further, the "normalized" costs submitted by Ipsco were untimely, hypothetical, and unsubstantiated.

DOC Position: Ipsco incurred abnormally high costs for certain products which it recently started producing. However, the normalized cost data submitted by Ipsco was not sufficiently substantiated. At verification, information was gathered regarding yield rates during and after the period of investigation. Where such information was available, the low yield rates in the period of investigation were normalized, in keeping with the Department's policy of amortizing start-up costs over future production.

Comment 16: Petitioner claims that Ipsco failed to account for research and development costs. The Department should adjust Ipsco's cost of production to reflect unreported research and development costs.

DOC Position: Ipsco reported research and development costs as part of general and administrative expenses. However, petitioner refers to Ipsco's argument that certain expenses incurred in initial production runs of experimental products, which in Ipsco's cost accounting system are classified as production costs, should be excluded from the "normalized" costs of these products. In the calculation of "normalized" costs for these products, the Department amortized these costs over present and estimated future production.

Comment 17: Petitioner argues that the Department should not classify Ipsco's off-specification OCTG as a by-product. There is significant demand for off-spec OCTG and, therefore, its production is desirable. Further, classifying off-spec OCTG as a by-product and not attributing any cost of production to it would encourage firms to circumvent the antidumping order by merely ceasing to test pipe for compliance with API standards.

DOC Position: We treated Ipsco's production of off-specification pipe as a full-costed product by spreading the cost of production equally over prime production and production off-spec products.

Comment 18: Petitioner argues that Welded Tube's cost of production data should be adjusted to reflect the differential in costs of producing casing of different dimensions.

DOC Position: We agree. For the final determination, we reallocated labor and overhead costs to accurately account for the differences in costs among different casing diameters.

Comment 19: Petitioner argues that Welded Tube's second quality tube should be included as a yield loss and the production costs offset by the sale of scrap.

DOC Position: We agree. The second quality product was treated as a by-product. Revenues from the sale of scrap were offset against production costs.

Comment 20: Petitioner argues that Welded Tube's slitting costs should be recalculated, first by allocating this expense among the proper mills, and then by allocating the costs among the products produced in that mill.

DOC Position: We agree. This was done for the final determination.

Comment 21: Petitioner argues that the following income items should not be allowed as deductions from Welded Tube's factory overhead and SG&A expenses: "storage income," "sundry income," and "dividend income."

DOC Position: We agree. These were not included in the final determination.

Comment 22: Petitioner argues that the factory overhead costs that Sonco reclassified to SG&A expense for purposes of the antidumping investigation should be included as a manufacturing cost.

DOC Position: We agree. These costs were included in manufacturing overhead for the final determination.

Comment 23: Petitioner argues that the reallocation of Sonco's electricity, water and gas costs among mills for the purposes of this antidumping investigation should be disallowed.

DOC Position: The reallocation was disallowed.

Comment 24: Petitioner claims that Sonco's accrued warranty expenses

should be included as an overhead expense.

DOC Position: Accrued warranty expense was included in SG&A expense for the final determination because it is a selling expense.

Comment 25: Petitioner claims that any overstatement in submitted yield rates by Sonco should be corrected and production costs adjusted accordingly.

DOC Position: The Department used the verified yield rates except for limited service casing. The yield and, accordingly, the costs were revised for the limited service pipe.

Comment 26: Petitioner argues that the production costs of limited service casing should be increased to reflect the scrap cost of producing this casing.

DOC Position: We agree. The costs were increased to include estimated scrap and rejected casing.

Domestic Interested Party

Comment 1: Counsel for interested party claims that Sonco's raw material supplier, Algoma, is a related party. Interested party further claims that Algoma has an option to purchase 50 to 100 percent of Sonco's shares. Because of this relationship, the Department should not presume that sales of raw material to Sonco were at arm's length prices. Accordingly, interested party argues that data used to substantiate sales of raw material by Algoma to Sonco should be disregarded and that the Department should use best information available to calculate these costs.

DOC Position: During the verification, the Department reviewed the raw material prices and found that the validity of the transaction prices were supported by the company's records. We found no evidence that any elements of the values were missing. Therefore, we determine that the purchases from Algoma were made at arm's length prices.

Comment 2: Counsel for interested party claims that Sonco's scrap loss was too low, and that the Department should disregard it and use the best information available to calculate the production cost.

DOC Position: After careful review of verification document, we believe that, except for the limited service products discussed within, submitted yield rates for the six-month period used for the final determination were reasonable.

Comment 3: Counsel for the interested party claims Sonco's overhead costs should be allocated on the basis of mill run time.

DOC Position: We reviewed allocations of overhead items which were computed based on tonnage and determined that the difference in costs between use of run time and tonnage bases was not significant.

Comment 4: Counsel for interested party claims that the SG&A reported by Sonco are too low due to the underallocation of such items as warehousing expenses and inventory carrying charges. Sonco's actual SG&A expense should be equal to or higher than that of Ferrum Inc., Sonco's parent company. Allocation of SG&A expenses based on sales tonnage will underallocate expenses to OCTG.

DOC Position: See our responses to Sonco's Comments number 4 and 7.

Comment 5: Counsel for the interested party argues that the Department should not accept Sonco's cost allocations because they do not reflect the respondent's usual cost allocation practices and should use best information available.

DOC Position: We agree that the respondent's reallocations should not be accepted. Such reallocations were disallowed for the final determination.

Comment 6: Counsel for the interested party argues that Sonco's accrued warranty expense should be allocated to the production cost.

DOC Position: Accrued warranty expense was allocated as part of SG&A expense for the final determination.

Comment 7: Counsel for the interested party argues that Sonco's actual profit margin on the OCTG was not specific and it prevents the interested party from checking to see if Sonco under-reported its cost of goods sold and SG&A.

DOC Position: The Department verified the actual elements of cost related to Sonco's costs of production to determine if the costs were appropriately valued.

Comment 8: Counsel for the interested party argues that Sonco's cost for further manufacturing in the United States was understated.

DOC Position: We agree. Certain SG&A and manufacturing expenses were reallocated for the final determination.

Comment 9: Counsel for the interested party and petitioner argues the constructed value information provided by Sonco is inconsistent and unreliable.

DOC Position: For the final determination, the constructed values were based on the verified amounts.

Respondents Comments

Sonco Comment 1: Sonco argues that the U.S. sales of API products constitute the majority of its sales, and sales of the limited service product are so small that they should be excluded from the fair value comparison because they were not in the ordinary course of trade.

DOC Position: We have included "limited service" products in the fair value comparison. We rejected Sonco's argument of treating "limited service" products as not in the ordinary course of trade. Ordinary course of trade is not applicable to U.S. sales.

Comment 2: Sonco argues that the credit expenses incurred in both markets were the same and no adjustment for credit expenses required.

DOC Position: We agree.

Comment 3: Sonco argues that a cash discount offered U.S. customers should not be treated as a reduction in price, but rather as an offset to credit expenses.

DOC Position: It is long established practice that the Department treats such discounts as reductions of price not as part of a credit expense equation.

Comment 4: Sonco argues that if the Department does not use Sonco's total credit expense calculation, then the discount given for early payment should be treated as a circumstance of sale adjustment. If the Department makes this circumstances of sales adjustment, it should be made for all comparison using either home market sales or constructed value.

DOC Position: A reduction for an early payment discount from the price has been a longstanding administrative practice. A discount represents a reduction in the price paid by the customer and must be deducted in calculating the U.S. price. It is not a circumstance of sale adjustment.

Comment 5: Sonco claims that the Department should use the daily exchange rate rather than the quarterly exchange rate for its currency conversion.

DOC Position: We agree and have done so.

Comment 6: Sonco claims that the Department should allocate the costs of producing scrap, rejects, and limited service OCTG to the production of the prime and non-prime merchandise. To calculate those costs, the Department should offset the cost of production by revenue earned in the selling of the scrap, reject and by-product material. this is consistent with Departmental practice.

DOC Position: We treated scrap and rejects as by-products. The limited service OCTG, which has the same use as the prime quality product, was not treated as a by-product.

Comment 7: Sonco claims that it properly classified consulting fees, general plant administration and salaries, and insurance as SG&A expenses rather than the cost of manufacturing. Therefore, the

Department should include them in Sonco's SG&A rather than in its cost of manufacture.

DOC Position: We disagree. We believe that the expenses were more appropriately classified as overhead.

Comment 8: Sonco claims that the Department overstated the SG&A expenses by using the Sonco parent company's financial statement rather than expenses specific to Sonco. Ferrum Inc.'s, financial statement includes SG&A attributable soley to products other than OCTG. Including these expenses is contrary to the Department's practice of attributing only those SG&A expenses related to the products under investigation.

DOC Position: We agree. Only SG&A expenses related to the production of OCTG were used for the final determination.

Comment 9: Sonco should not include accrued pipe warranty expenses in its submitted overhead costs because it has never had a warranty claim against its OCTG products.

DOC Position: An allocation of this expense was included in SG&A expense for the final determination.

Comment 10: Sonco has properly allocated its electricity, water and gas costs between the two mills at the Van Kirk facility on the basis of an engineering study that measured actual usage. The Department should use this allocation.

DOC Position: We disagree. The allocation used in Sonco's internal accounting system, produced in the normal course of business, was used for the final determination.

Comment 11: Sonco properly allocated its plant depreciation and electricity costs on the basis of tons produced because these costs are a function of production.

DOC Position: We disagree. However, since the difference in the amount of plant deprecition and electricity costs between the allocation based on run time and based on tonnage was insignificant, we accepted the submitted amounts.

Comment 12: Sonco has properly accounted for all costs incurred in further processing its material in the United States.

DOC Position: We disagree. We believe that several expenses were allocated using inappropriate allocation bases, resulting in an understatement of costs. These included general and administrative expenses and certain manufacturing costs. We reallocated these for the final determination.

Comment 13: SG&A expenses reported in the financial statements of Ferrum Inc., Sonco's parent, should not be used since they include expenses of the Lyman Tube Division which are completely unrelated to OCTG production.

DOC Position: We agree. Only SG&A expenses related to the production of OCTG were used for the final determination.

Comment 14: Sonco claims that their SG&A expenses should not be allocated as a percentage of cost of goods sold. This methodology overstates the expense because a large portion of Sonco's business is the conversion of pipe for other companies using customer-supplied coil.

DOC Position: We agree. SG&A expenses for the final determination were allocated to the products under investigation on a tonnage basis, a basis we believe to be more appropriate than the cost of goods sold basis under the circumstances for this company.

Comment 15: Sonco claims that the Department should offset the amount of the U.S. selling expenses from its ESP sales in the amount of its selling expenses for comparable merchandise in the home market. Such an offset is in accordance with Departmental practice and should be allowed whether the foreign market value is based on home market sales or constructed value.

DOC Position: We agree and have done so.

Algoma Comment 1: Algoma argues that the Department should exclude the amount for "depreciation and amortization" which was included in the preliminary determination from its calculation of Algoma's SG&A expenses because this amount was already included in the submitted cost of production.

DOC Position: We agree. Since these costs were included in respondent's submission, no adjustment was made by the Department for its final determination.

Comment 2: Algoma argues that the Department should exclude the long-term interest expense because none of Algoma's long-term debt was incurred to purchase the assets used in manufacturing the merchandise under consideration.

DOC Position: We disagree. Since the debt was incurred as part of the corporate long-term capitalization, we included an allocation of the expense in the final determination.

Comment 3: Algoma argues that the Department should reduce Algoma's short-term interest expense by the short-term interest income Algoma earned in 1984, before including the interest expense in SG&A. This interest income was earned in the normal course of business. Such an offset is consistent with Departmental practice.

DOC Position: We agree. The Department followed its usual practice and offset interest expense by ordinary interest income associated with incidential investments related to the ordinary course of business.

Comment 4: Algoma argues that the foreign exchange losses and deferred exchange losses shown in Algoma's Financial Statement are merely paper losses (not actual current expenses to Algoma) and are thus not properly attributable to Algoma's SG&A expense.

DOC Position: We disagree. These were allocated as part of SG&A expense.

Comment 5: Algoma argues that the Department should exclude "seconds" sales of clearance merchandise from its fair value commparison because they were not made in the ordinary course of trade. Algoma states that Departmental policy is to include such clearance sales only if home market sales are otherwise inadequate or the clearance sales represent a significant portion of the U.S. sales under investigation. Alternatively, Algoma suggests that if the Department does include clearance sales, it should compare clearance sales in both markets.

DOC Position: We disagree. We do not believe that these sales of overruns and downgraded API specification material qualify as "clearance merchandise" outside the ordinary course of trade since they were of prime quality and of standard API sizes.

Comment 6: Algoma claims that, in its preliminary determination, the Department failed to adjust the constructed value for physical differences despite its stated position that Algoma was entitled to this adjustment.

DOC Position: We have adjsuted the constructed value for physical differences in reaching this final determination.

Comment 7: Algoma was consistent with Department standards in reclassifying certain "general works" expenses from overhead to SG&A expenses for the submission.

DOC Position: We disagree. For the final determination, these were included in the cost of manufacture.

Comment 8: Algoma correctly modified its ESP U.S. manufacturing expenses adjustments to reflect the price per ton for plain-end OCTG.

DOC Position: We agree. The submission methodology was accepted.

Comment 9: Algoma argues that taxes and royalty payments on iron-ore properties not in production should be

excluded from cost of production because such costs do not relate to OCTG production.

DOC Position: We disagree. Since the company is an intergrated producer these expenses would relate to the production of OCTG. For the final determination, the taxes and royalty payments were included in SG&A expense.

Comment 10: Algoma states that it properly treated raw material purchases from related parties as 100 percent variable costs in its calculation of difference in merchandise adjustments.

DOC Position: We agree with Algoma's treatment of the material purchase as 100 percent variable cost.

Comment 11: Algoma contends that it properly excluded the capital tax from SG&A expense in Algoma's submission because this tax is essentially a form of income tax.

DOC Position: We disagree. The tax is based on capital and not income. In addition, the normal treatment of this capital tax in Canada is a general expense. We therefore included it in SG&A expense for the final determination.

Comment 12: Algoma argues that its cost of production should not include an allocation of the general costs of CP Enterprises Limited, Algoma's parent company, because CP Enterprises provides no services to Algoma.

DOC Position: We agree. CP Enterprises Limited is essentially a holding company and, as such, acts as only an investor in Algoma.

Comment 13: Algoma's selling, general and administrative expenses should be allocated on the basis of tons sold.

DOC Position: We disagree. For the final determination, the cost of goods sold allocation basis was used because it takes into account differences in product costs.

Comment 14: Algoma maintains that the Department should make an adjustment for the differences of price due to differing levels of trade between distributor and end-users. Precedent requires the Department, in situations where there are sales to differing levels of trade in both markets, to adjust for differences in prices between the two levels of trade in the Canadian market.

DOC Position: Departmental practice is that, in establishing whether there are differences in sales at varying levels of trade that affect price comparability, information substantiating that the differences in the price are the result of differences in the cost of selling at one level of trade as compared to the other must be submitted and verified. Algoma was unable to substantiate information on cost differences. Therefore, we made no adjustment for differeing levels of trade.

Comment 15: Algoma argues that we should make an adjustment for quantity discounts.

DOC Position: We agree. The verified data indicates that quantity discounts did exist for certain product. Therefore, we included the discount in our calculations for those products.

Comment 16: Algoma argues that, in its preliminary determination, the Department improperly excluded from its foreign market value sales made at below cost if these sales comprised more than 10 percent of Algoma's total sales of that product. The Department may not disregard any of Algoma's home market sales because there is no evidence on the record to show that sales of the entire class or kind of OCTG were "made over an extended period of time and in substantial quantities" at below cost.

DOC Position: In calculating weighted average home market prices, the Department took into consideration the provisions of section 773(b) of the Act which directs that home market sales below cost which are made over an extended period of time and in substantial quantities at prices which do not permit recovery of all costs over a reasonable period of time will be disregarded in the determination of foreign market value.

Thus, there are two stages in the calculation of foreign market value where there are sales below costs. First, the Department must determine whether to disregard below cost sales. Second, if it does disregard them, it must determine whether the remaining above cost sales provide an adequate basis for comparison.

In determining whether to disregard below cost sales, we have followed the precedent set in the antidumping cases involving carbon steel plate from Japan (43 FR 2033) and welded stainless pipe and tubing from Japan (48 FR 1206) in which sales below-cost were disregarded when they amounted to 10 percent or more of the total home market sales. In the case of Algoma, there were a few products that had more than 10 percent of the home market sales which were below cost. These below-cost sales were disregarded in the computation of foreign market value. In certain instances where a product had less than 10 percent of the total home market sales below cost, none of the below-cost sales were disregarded in the computation of foreign market value.

Welded Tube Comment 1: Welded Tube claims that their home market sales were at prices above the cost of production and, therefore, should be used as the basis of comparison for foreign market value.

DOC Position: We agree and have done so.

Comment 2: Welded Tube argues that, in its preliminary determination, the Department overstated the SG&A expenses attributable to OCTG because it included charges reported elsewhere and costs unrelated to OCTG production. The SG&A expenses submitted by Welded Tube accurately calculate those costs for OCTG production, and the Department should use them to determine Welded Tube's cost of production.

DOC Position: We agree. We used the verified SG&A expenses for the final determination.

Comment 3: Welded Tube claims that the Department should use its skelp cost because all purchases of skelp were arm's length transactions made at market prices.

DOC Position: We agree. The supplier's equity interest is under 20 percent and the information provided to the Department indicated that the Skelp price represented market prices. Therefore, these prices were used for the final determination.

Comment 4: Welded Tube has provided the Department with accurate yield loss amounts. The Department has sufficient information with which to calculate Welded Tube's net yield loss for the period of investigation.

DOC Position: During the verification, the Department reviewed Welded Tube's yields and related costs for each product for the period of investigation. These yields were used for the final determination.

Comment 5: Welded Tube's slitting labor and overhead costs should be computed by first allocating the cost to the mill that produces OCTG and then by dividing by that mill's finished tube production output. The submission methodology of allocating the cost to finished production based on total tons slit should not be used.

DOC Position: We agree. The allocation method based on finished tube production tonnage by mill was used for the final determination.

Comment 6: Welded Tube argues that it has accurately reported SG&A expenses. Commission, warehousing expenses, and bad debt expenses were correctly excluded from the submission. Welded Tube provided worksheets at verification which corrected SG&A expenses for the first quarter of 1985.

DOC Position: We agree that the

above expenses were properly excluded because such expenses were not related to OCTG. However, SG&A expenses were allocated based on production. We used cost of goods sold as the allocation basis for SG&A expenses for the final determination.

Ipsco Comment 1: Ipsco argues that the Department should adjust the foreign market value to reflect rebates provides in the home market.

DOC Position: We agree. Such rebates were verified and allowed.

Comment 2: Ipsco argues that the Department should make a circumstance of sale adjustment for commissions that Ipsco pays to distributors when it sells directly to end-users. These commissions were verified and are appropriately considered a circumstance of sale.

DOC Position: We agree and the adjustments were made for the final determination.

Comment 3: Ipsco contends that the Department should adjust its foreign market value to reflect bad debt expenses directly related to sales of the product under investigation.

DOC Position: We disagree. See our response to Petitioner's Comment 12.

Comment 4: Ipsco states that the Department should adjust for warranty expenses now that it has verified those expenses. Further, that adjustment should cover all warranty expenses claims by Ipsco.

DOC Position: We agree. See our response to Petitioner's Comment 13.

Comment 5: Ipsco argues that, in adjusting United States price for Canadian inland freight, the Department should use actual freight costs rather than average costs. These freight costs are easily ascertainable and would prevent over-or understatement of the costs.

DOC Position: We disagree. See our response to Petitioner's Comment 14.

Comment 6: Ipsco argues that all extraordinary costs attributable to equipment start-up, product development, and limited test runs should be amortized over the useful life of the equipment or technology involved, rather than fully assessed against products produced in this start-up phase. Ipsco provides and urges the Department to use this normalized cost instead of the actual production costs.

DOC Position: The normalized cost information submitted by Ipsco is based on standard costs contained in Ipsco's annual management budget adjusted for inflation using a broad index of price levels. The standard costs contained in the budget are not used by Ipsco in its cost accounting sytem. This information is not sufficient to substantiate the level of production costs under normal operating conditions. However, as stated in our response to Petitioner's Comment 16, we have amortized costs related to low yield rates on initial production runs over present and estimated future production, where yield rates for subsequent production were available and were lower.

Comment 7: Ipsco offers two possible methods of determining foreign market value for comparison purposes for its sale of off-spec merchandise. First, Ipsco suggests the Department use the uniform per ton value which Ipsco ascribes to such by-products in calculating the cost of prime material. If not, the Department should use the actual selling price for such off-spec merchandise. In either case, Department practice, generally accepted accounting principles, and industry practice require that the cost of production of the prime product should reflect the costs of all production net of the reject value.

DOC Position: Because the off-spec merchandise is used as OCTG and can be very similar to prime merchandise, we have included it in this investigation and made comparisons of United States price with foreign market value for sales of off-spec merchandise. In order to allow such comparisons, we rejected Ipsco's methodology of treating off-spec production as a by-product.

Comment 8: Ipsco contains that the Department improperly excluded sales of oilwell tubing from its calculations of foreign market value in the preliminary determination. The Department should correct this error for the final determination.

DOC Position: We agree and have done so.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the United States Customs Service to continue to suspend liquidation of all entries of OCTG from Canada (with the exception of those OCTG produced by Welded Tube) that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the Federal Register. The United States Customs Service shall require a cash deposit or the posting of a bond equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price as shown in the table below. This suspension of liquidation will remain in effect until further notice.

Manufacturer/producer/exporter	Weighted-average margin percentage
Algoma	14.26
Ipsco	40.85
Sonco	3.35
Welded Tube	0
All others	19.38

ITC Notification

In accordance with section 735(d) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-confidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided that the ITC confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine whether these imports materially injure, or threaten material injury to, a U.S. industry, within 45 days after our final determination.

If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. If, however, the ITC determines that such injury does exist, we will issue an antidumping duty order on the subject merchandise which was entered, or withdrawn from warehouse, for consumption after the suspension of liquidation, equal to the amount by which the foreign market value of the merchandise exceeds the United States price.

This notice is published pursuant to section 735(d) of the Act (19 U.S.C. 1673d(d)).

Paul Freedenberg,

Assistant Secretary for Trade Administration.

April 16, 1986.

[FR Doc. 86-8562 Filed 4-21-86; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

[A-479-502]

Termination of Antidumping Duty Investigation; Welded Carbon Steel Pipe and Tube Products From Yugoslavia

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On March 27, 1986, the Standard Pipe and Tube Subcommittee of the Committee on Pipe and Tube Imports (CPTI), withdrew its antidumping petition, filed on July 16, 1985, on certain welded carbon steel pipe and tube products from Yugoslavia. Based on the withdrawal, we are terminating the investigation.

EFFECTIVE DATE: April 22, 1986.

FOR FURTHER INFORMATION CONTACT: Mary Clapp, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377–1769.

SUPPLEMENTARY INFORMATION:

Case History

On July 16, 1985, we received a petition from the Standard Pipe and Tube Subcommittee of the Committee on Pipe and Tube Imports (CPTI) filed on behalf of the U.S. industry producing certain standard pipe and tube and line pipe.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping duty investigation. We notified the ITC of our action and initiated the investigation on August 5, 1985, (50 FR 32246). On August 30, 1985, the ITC determined that there is a reasonable indication that imports of standard pipe and tube from Yugoslavia are materially injuring a United States industry. On August 30, 1985, the ITC also determined pursuant to section 733(a) of the Act (19 U.S.C. 1673b(a)) that there is no reasonable indication that an industry in the United States is materially injured, or threatened with material injury by imports of line pipe. On December 23, 1985, we made a preliminary determination that certain welded carbon steel pipe and tube products from Yougoslavia were being, or were likely to be, sold in the United States at less than fair value. On March 10, 1986, we made a final determination that certain welded carbon steel pipe and tube products from Yugoslavia were being, or were likely to be, sold at less than fair value (51 FR 8863).

Scope of Investigation

The merchandise covered by this investigation is welded carbon steel pipe and tube products with an outside diameter of 0.375 inch or more but not over 16 inches, of any wall thickness, currently classifiable in the *Tariff Schedules of the United States Annotated* (TSUSA) under items 610.3231, 610.3234, 610.3241, 610.3242, 610.3243, 610.3252, 610.3254, 610.3256, 610.3258, and 610.4925.

Withdrawal of Petition

On March 27, 1986, petitioner notified us that it was withdrawing its petition and requested that the investigation be terminated. Under section 734(a) of the Act, as amended by section 804 of the Trade and Tariff Act of 1984, upon withdrawal of a petition, the administering authority may terminate an investigation after giving notice to all parties to the investigation. This withdrawal is based on arrangements with the Government of Yugoslavia to limit the volume of imports of this product. We have assessed the public interest factors set out in section 734(a)(2) of the Act and consulted with potentially affected producers, workers, and consuming interests. On the basis of our assessment of the public interest factors and our consultations with affected interests, we have determined that termination would be in the public interest.

We have notified all parties to the investigation of petitioner's withdrawal and our intention to terminate. For these reasons we are terminating our investigation.

Dated: April 16, 1986.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 86–8961 Filed 4–21–86; 8:45 am]

BILLING CODE 3510-DS-M

[C–122–505]

Final Affirmative Countervailing Duty Determination; Oil Country Tubular Goods From Canada

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We determine that certain benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters of oil country tubular goods (OCTG) in Canada. The estimated net subsidy is 0.72 percent *ad valorem* for all companies except those specifically excluded from this determination. In addition, we determine that "critical circumstances" do not exist with respect to the subject merchandise.

We have notified the United States International Trade Commission (ITC) of our determination. We are directing the U.S. Customs Service to continue to suspend liquidation of all entries of OCTG from Canada that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice, except for companies that have been excluded from this determination, and to require a cash deposit or bond on entries of this product in an amount equal to the estimated net subsidy as described in the "Suspension of Liquidation" section of this notice.

EFFECTIVE DATE: April 22, 1986.

FOR FURTHER INFORMATION CONTACT: Steven Morrison or Barbara Tillman, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377–1248 (Morrison) or (202) 377–2438 (Tillman).

SUPPLEMENTARY INFORMATION:

Final Determination

Based upon our investigation, we determine that certain benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers, producers or exporters of OCTG in Canada. For purposes of this investigation, the following programs are found to confer subsidies:

- Certain Types of Investment Tax Credits;
- Regional Development Incentives Program; and
- General Development Agreement/Canada-Saskatchewan Subsidiary Agreement on Iron, Steel and Other Related Metal Industries.

We determine the estimated net subsidy for OCTG to be 0.72 percent *ad valorem* for all companies except those specifically excluded from this determination.

Case History

On July 22, 1985, we received a petition filed in proper form by the Lone Star Steel Company and CF&I Steel Corporation, producers of OCTG. In compliance with the filing requirements of §355.26 of our regulations (19 CFR 355.26), the petition alleged that manufacturers, producers or exporters of OCTG in Canada directly or indirectly receive benefits which constitute subsidies within the meaning of section 701 of the Act, and that these imports materially injure, or threaten material injury to, a U.S. industry. In addition, the petition alleged that "critical circumstances" exist within the meaning of section 703(e)(1) of the Act. We found that the petition contained

sufficient grounds upon which to initiate a countervailing duty investigation, and on August 12, 1985, we initiated the investigation (50 FR 33383).

Since Canada is a "Country under the Agreement" within the meaning of section 701(b) of the Act, the ITC is required to determine whether imports of the subject merchandise from Canada materially injure, or threaten materials injury to, a U.S. industry. Therefore, we notified the ITC of our initiation. On September 5, 1985, the ITC determined that there is a reasonable indication that these imports materially injure a U.S. industry (50 FR 37066).

On August 21, 1985, we presented a questionnaire concerning the petitioners' allegations to the government of Canada. Responses to the questionnaire were received on September 23 and 24, 1985, from the government of Canada, the provinces of Alberta, Ontario and Sakatchewan and from producers who account for substantially all exports of OCTG from Canada to the United States.

There are eleven known producers and/or exporters of OCTG to the United States from Canada. These are Siegfried Kreiser Pipe and Tube; IPSCO, Inc.; Stelco Inc.; Sonco Steel Tube (a division of Ferrum, Inc.); Algoma Steel Corp. Ltd.; Welded Tube of Canada, Ltd.; Prudential Steel, Ltd.; Frank Pipe Co.; Christianson Pipe, Ltd.; Dominion Steel Export Co., Ltd.; and Matthew Tube & Pipe Supply Inc. We received timely requests for exclusion from these companies. We sent them copies of the detailed questionnaire. We verified that eight respondents received no benefits. In addition, Algoma Steel Corporation received benefits which we determine are *de minimis*. Therefore, these nine companies are excluded from this final determination. IPSCO received countervailable benefits above the *de minimis* rate of 0.50 percent. Siegfried Kreiser Pipe and Tube did not respond to our questionnaire.

On September 23, 1985, we received a timely request by petitioners for a extension of the deadline date for the preliminary determination. An extension was granted on September 26, 1985 (50 FR 40209). We made our preliminary determination on December 19, 1985 (50 FR 53172).

Verification was conducted in Canada from October 23, 1985 to November 14, 1985. After verification, supplemental responses were received revising and adding information as requested at verification. Prehearing briefs were submitted on January 9, 1986. The hearing was held on January 14, 1986. Post-hearing briefs were received by the Department on February 3, 1986.

On February 7, 1986, we received a request from petitioners to extend the final countervailing duty determination on OCTG from Canada to coincide with the final antidumping duty determination on a simultaneously initiated investigation of the same merchandise from the same country. This request was made pursuant to section 705(a)(1) of the Tariff Act of 1930, as amended. Pursuant to petitioners' request we extended the date of the final countervailing duty determination on OCTG from Canada until not later than April 16, 1986, to correspond to the date of the final antidumping duty determination (51 FR 7977).

Under Article 5.3 of the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement of Tariffs and Trade (1979), we would have to terminate the suspension of liquidation of countervailing duties if the final injury determination date, as extended, was more than four months after the date of publication of the preliminary affirmative countervailing duty determination, December 30, 1985 (50 FR 53172). Therefore, we will terminate the suspension of liquidation ordered in our preliminary affirmative countervailing duty determination on May 1, 1986. We will reinstate the suspension of liquidation if the ITC makes a final affirmative injury determination in this investigation.

Because of the extension of the final determination, we were able to conduct a supplemental verification of information submitted by IPSCO after our preliminary determination. This suplemental verification was conducted in Washington, D.C. on March 21, 1986.

Scope of Investigation

The products covered by this investigation are "oil country tubular goods," which are hollow steel products of circular cross-section intended for use in drilling for oil or gas. These products include oil well casings, tubing and drill pipe of carbon or alloy steel, whether welded or seamless, manufactured to either American Petroleum Institute (API) or non-API (such as proprietary) specifications as currently provided for in the *Tariff Schedules of the United States Annotated* (TSUSA), under items 610.3216, 610.3219, 610.3233, 610.3234, 610.3242, 610.3243, 610.3249, 610.3252, 610.3254, 610.3256, 610.3258, 610.3262, 610.3264, 610.3721, 610.3722, 610.3751, 610.3925, 610.3935, 610.4025, 610.4035, 610.4210, 610.4220, 610.4225, 610.4230, 610.4235, 610.4240, 610.4310, 610.4320, 610.4325, 610.4335, 610.4942, 610.4944, 610.4946, 610.4954, 610.4955, 610.4956, 610.4957, 610.4966, 610.4967, 610.4968, 610.4969, 610.4970, 610.5221, 610.5222, 610.5226, 610.5234, 610.5240, 610.5242, 610.5243, 610.5244. This investigation includes OCTG that are in both finished and unfinished condition.

Analysis of Programs

Throughout this notice, we refer to certain general principles applied to the facts of the current investigation. These principles are described in the "Subsidies Appendix" attached to the notice of "Cold-Rolled Carbon Steel Flat-Rolled Products from Argentina: Final Affirmative Countervailing Duty Determination and Countervailing Duty Order," which was published on April 26, 1984 (49 FR 18006).

For purposes of this final determination, the period for which we are measuring subsidies (the review period) is calendar year 1984. Based upon our analysis of the petition, the responses to our questionnaires submitted by the federal and provincial governments as well as those of the ten responding companies as amended, the verifications, and comments submitted by the petitioners and the respondents, we determine the following:

I. Programs Determined To Confer Subsidies

We determine that subsidies are being provided to manufacturers, producers or exporters of OCTG in Canada under the following programs:

A. Certain Types of Investment Tax Credits

There are several categories of Investment Tax Credits (ITCs) in Canada. Two ITC programs are directed at encouraging capital investment in certain regions of the country. One category of ITC is for investment in "qualified property," such as new plant and equipment used for manufacturing or processing. The basic ITC for investment in qualified property is seven percent. An additional three or 13 percent is available for qualified property used in certain regions. IPSCO and Algoma each claimed the additional three percent ITC for qualified property used in Saskatchewan and Sault Ste. Marie, respectively.

We verified that the basic seven percent rate for "qualified property" is not limited to a specific industry or region. We, therefore, determine that it is not countervailable. However, because the additional rate of three percent for qualified property can only be claimed on investments in assets used in certain regions, we determine that this additional benefit is

countervailable. We also verified that the additional 13 percent rate was not used by manufacturers, producers or exporters of OCTG in Canada.

A second category of ITC is for investment in "certified property." The distinguishing factor between "certified property" and "qualified property" is that the former must be located in prescribed regions characterized by high levels of unemployment and low per capita income. The ITC rate for certified property is 50 percent. We verified that no manufacturer, producer or exporter of OCTG in Canada used certified property ITCs in the review period.

A third category of ITC is for scientific research. Eligible expenditures under this category include the cost of capital equipment used for scientific research and expenses attributable to scientific research. A basic 20 percent ITC rate is available for qualifying scientific research expenditures to all companies in Canada. For small Canadian-controlled private corporations, the rate is 35 percent. For all other corporations, the rate is 30 percent, if the expenditure is made in certain regions. From April 1983 to May 1985, manufacturers incurring scientific research expenses, receiving scientific research and operating at a tax loss could sell these ITCs to companies owing taxes. Algoma and Stelco used 20 percent scientific research ITCs. We determine that 20 and 35 percent scientific research ITCs, whether sold or used by the company performing the research, do not confer domestic subsidies because they are not limited to a specific enterprise or industry, or group of enterprises or industries, or to companies in specific regions. We did not discover any corporations manufacturing, producing, or exporting OCTG in Canada that were eligible for the 30 percent regional benefit. We verified that the 35 percent scientific research ITC for small business was not used.

A fourth category of ITC is for qualified transportation and construction equipment. It is also a nationwide program. We verified that no manufacturer, producer or exporter of OCTG used this particular tax credit.

In our "Final Affirmative Countervailing Duty Determination: Certain Fresh Atlantic Groundfish from Canada" "("Groundfish") (51 FR 10041), we stated that there were four categories of ITCs. We have since become aware of a fifth category which is for research and development. During the review period, a company could receive ITCs for ten percent of its research and development expenses (20 percent for small businesses). This provision is available to companies nationwide. IPSCO received tax deductions under this provision in 1984. We determine that research and development ITCs do not confer domestic subsidies because they are not limited to a specific enterprise or industry, or group of enterprises or industries, or to companies in specific regions.

Canadian tax law provides that ITCs may be subtracted from taxes owed, but if no taxes are owed (either because a company is initially in a tax loss position or because only some of the ITCs have been used to satisfy all tax liability), those excess ITCs earned after April 19, 1983, have a refundable, one-time cash value of equal to 20 percent of the initial, face value of the ITC (40 percent for small businesses). We verified that Algoma did get refunds for some post-April 19, 1983 qualified property ITCs for cash on tax returns filed in 1984.

To calculate the benefit from the "qualified property" ITCs, we followed our standard tax methodology. Under our tax methodology, we allocate an income tax benefit to the year in which the tax return was filed. Thus, we looked at the tax return filed in 1984, covering fiscal year 1983. We examined IPSCO's and Algoma's tax returns filed during the review period and found the value of "qualified property" ITCs in excess of the seven percent threshold. We then divided that amount by each company's total sales to calculate a net subsidy of 0.01 percent *ad valorem* for Algoma and 0.01 percent *ad valorem* for IPSCO.

B. Regional Development Incentive Program (RDIP)

The RDIP, which was the predecessor of the Industrial and Regional Development Program, was administered by the Department of Regional Economic Expansion (DREE) for the purpose of creating stable employment opportunities in areas of Canada where employment and economic opportunities were chronically low. The program provided development incentive (usually grants) to manufacturers whose capital investment projects for establishing new facilities or expanding or modernizing existing facilities would create jobs and economic opportunities in areas designated as economically disadvantaged.

Because benefits were limited to companies located within specific regions in Canada, we determine that grants provided through the RDIP program of DREE are countervailable. We verified that the only manufacturers, producers or exporters of OCTG located in regions of Canada eligible for RDIP were IPSCO and Algoma.

Each company received one RDIP grant for facilities not used in the production of OCTG. Consistent with our methodology, when a grant is tied specifically to a production not under investigation, we do not include it in our calculation of benefits. In addition, we verified that one RDIP grant, reported by the government of Canada as paid to IPSCO, was actually paid to a scrap metal company subsequently acquired by IPSCO. The money was paid to the scrap metal company more than a year before its assets were acquired by IPSCO. We verified that IPSCO did not receive any funds under this grant.

IPSCO also received a large grant under RDIP and a Saskatchewan subsidiary agreement which is discussed in the next section of this notice. The benefit from this joint grant is included in the subsidy calculation for this RDIP program. Finally, IPSCO and Algoma each received RDIP grants which were used for several facilities producing both OCTG and other products. Since these grants were used in the production of OCTG, among other products, we included the full amount of these grants in our calculations.

To calculate the benefits from these RDIP grants, we used the methodology for grants outlined in the Subsidies Appendix. Because RDIP grants are not provided automatically every year, we allocate the benefits received over time. The average useful life of equipment in the steel industry is 15 years as determined by standard Internal Revenue Service tables. Thus, for all grants received by each company in the past 15 years, we aggregated all grants received by each company in each year and divided by the company's total sales in that year. If the result was less than 0.50 percent (*de minimis*), we expensed the full amount of the grant(s) in the year of receipt. If the result was 0.50 percent or greater, we allocated the grant over the average useful life of equipment using our declining balance methodology.

We applied the methodology outlined in the Subsidies Appendix. Using this methodology, we determine the estimated net subsidy to be 0.71 percent *ad valorem* for IPSCO and 0.04 percent *ad valorem* for Algoma. The amount calculated for IPSCO includes the full amount of a grant jointly funded by RDIP and a subsidiary agreement discussed below.

C. General Development Agreement (GDA) and the Canada-Saskatchewan Subsidiary Agreement on Iron, Steel and Other Related Metal Industries

GDAs, which were umbrella agreements stating general economic development goals, provided the legal basis for departments of the federal and provincial governments to cooperate in the establishment of economic development programs. Ten-year GDAs were signed with all the provinces in 1974, except P.E.I., which had signed its own Comprehensive Development Plan in 1969. Five-year GDAs were signed with the Yukon Territory in 1977 and with the Northwest Territories in 1979.

Pursuant to GDAs, subsidiary agreements were signed. The subsidiary agreements were generally between particular federal and provincial government departments (*e.g.*, DREE and the Ministry of Industry and Commerce in Saskatchewan). These agreements established various individual programs, delineated administrative procedures and set out the relative funding commitments of the federal and provincial governments. Subsidiary agreements were typically directed at establishing traditional government programs (*i.e.*, extension services, developing infrastructure, providing for economic development assistance for certain regions within the province and creating programs for specific industries).

The iron and steel subsidiary agreement in Saskatchewan was intended to enhance the viability of the existing iron and steel industry in the province, to expand and diversify iron and steel production, and to increase employment opportunities in the iron, steel and other related metal industries in Saskatchewan. IPSCO was and still is the only producer in Saskatchewan of pipe (including OCTG) in addition to being the sole steel producer in the province. IPSCO received most of the funds the province budgeted for primary and secondary steel facilities under the subsidiary agreement. As such, we determine this subsidiary agreement to be countervailable because it provided direct financial assistance that was limited to a specific enterprise or industry, or group of enterprises or industries.

IPSCO received two grants under the subsidiary agreement. These two grants were jointly approved and funded through RDIP and the subsidiary agreement. IPSCO received funds under one grant in 1976 and 1978. These were the only grant funds IPSCO received in each of those years. The funds received under this grant were less than 0.50 percent of total IPSCO sales in each of those years. Thus, we expensed the amount of each of these grants to the year of receipt. IPSCO received funds under the other grant in 1980, 1981, 1982 and 1983. The amount of these disbursements exceeded 0.50 percent of total IPSCO sales in each of those four years. Therefore, we allocated each of these disbursements over time and have included the benefits in our calculation of the estimated net subsidy under RDIP.

II. Programs Determined Not To Confer Subsidies

We determine that subsidies are not being provided to manufacturers, producers or exporters of OCTG in Canada under the following programs:

A. Grant Under the Enterprise Development Program (EDP)

The EDP was established to provide loans, loan guarantees and contributions to those engaged in manufacturing or processing. In the "Final Negative Countervailing Duty Determinations: Certain Softwood Products from Canada" ("Softwood") (48 FR 24159 (1983)), we found EDP grants not countervailable and EDP loan programs not used. Based on that determination, we initiated an investigation only on EDP loan programs and not EDP grants. However, IPSCO's 1984 annual report stated that the company was being assisted by an EDP grant for research on a new alloy while the government of Canada response said the EDP program was terminated in 1983. Because of this inconsistency in the information provided in the two responses, we asked for additional information in order to determine whether a new EDP program has been established.

We verified that companies could continue to receive funds for projects approved prior to the termination of the EDP program and that there was no new EDP program. In addition, although project funding for the grant has been approved, we verified that IPSCO has not yet received any funding under this program. Accordingly, we have no information changing our prior conclusion that EDP grants are not limited to a specific enterprise or industry, or group of enterprises or industries, or to companies in specific regions. EDP loan programs were not used as explained in section III. I. of this notice.

B. Employment Development Fund (EDF)

The Employment Development Fund (EDF), which was terminated in 1982, was an Ontario provincial grant program intended to increase long-term investment and employment in the province. In its response, one OCTG manufacturer reported receipt of an EDF grant. During verification, we saw that as part of the application procedure, applicants are required to predict the growth of production and exports. However, the default provisions of the application form are not triggered if the projected export goals are not met.

We determine that EDF was not an export subsidy because these grants were provided to producers for the domestic market as well as to exporters, and receipt of EDF grants was not contingent on export performance. Based on our examination of a report on recipients of EDF, funding was provided to a wide range of industries in Ontario including general manufacturing, automotive, high-technology electrical products, wood products, tourism, textiles, transport, chemicals, agriculture, and pulp and paper. Therefore, we also determine that EDF grants do not confer domestic subsidies because they are not limited to a specific enterprise or industry, or group of enterprises or industries, or to companies in specific regions.

C. Alberta Opportunity Loan to IPSCO

The Alberta Opportuntiy Company (AOC), a crown corporation, issues loans and loan guarantees to companies in Alberta in order to stimulate new businesses and assist expansion of existing enterprises when financing from other sources is unavailable. In *Softwood*, we determined that AOC loans were not limited to a specific enterprise or industry, or group of enterprises or industries, or to companies in specific regions. However, we initiated an investigation on this program because we had information that AOC loans may be intended for export promotion. According to the responses, IPSCO had a loan outstanding from the AOC during the review period.

IPSCO's AOC loan is not a part of normal loan program; it is part of a settlement reached in court for IPSCO's purchase of physical assets of Ram Steel (Ram), a company placed into receivership by its primary secured creditor. Thus, even though we found no linkage of this loan to exports, we examined whether the loan was granted on terms inconsistent with commercial considerations.

Normally, we determine this by comparing the interest rate and other charges to comparable, commercial loans. To find comparable, commerical loans, we look first to the company's debt experience. If it has no comparable,

commercial debt outstanding, we look to the national experience. The circumstances surrounding this loan were unusual. The lending institution faced large losses, absent a favorable resolution of Ram's financial difficulties. Because of this, normal loans from a commercial bank that is not exposed in a similar manner are not comparable. We were unable to find comparable, commercial loans to determine the appropriate benchmark.

Thus, we had to determine whether a commercial lender would act as AOC did. AOC was the secondary, secured creditor of Ram at the time the court placed Ram in receivership. The court assigned an officer of Peat Marwick, Ltd. (a neutral, private party) as the receiver to negotiate the best deal possible on behalf of Ram's creditor and storkholders. According to the receiver, the company could not be operated by the receiver or by Ram at a profit, and the price offered by IPSCO was the highest price they could obtain (it was also the only offer they received). It included payoff of the primary creditor which was a pre-condition of AOC receiving anything at all. The assets of Ram were appraised by an independent appraiser acting on behalf of the Court. The appraiser evaluated the assets of Ram, purchaser by IPSCO, as if they were used in a profitable business. The final price offered by IPSCO was seven percent more than the value that the appraiser placed on the assets. IPSCO made its offer to buy contingent upon receiving a loan from AOC to cover part of the purchaser price. The receiver determined that IPSCO' offer, including the AOC loan terms, was in the best interest of all of Ram's creditors, including AOC. By granting that loan, AOC was able to recover most of the money owed it by Ram and to receive the full principal and interest of this loan to IPSCO on deferred terms, as was a condition of IPSCO's offer.

Given the above information, we determine that AOC's loan to IPSCO was not inconsistent with commercial considerations. It is commercially reasonable to accept deferred repayment terms on a portion of the purchase price in this situation, whether or not the lender is a government-funded company, especially if acceptance of such terms is part of a settlement recommended by a court-appointed receiver. By accepting deferred repayment on the remainder of the price, the lender avoided major financial losses, otherwise reasonably expected, had it not accepted the deferral. (We note that banks, in particular, are willing to renegotiate loan terms in order to avoid having to write off large amounts of bad debt.)

Additionally, it is commercially reasonable for IPSCO to negotiate the best terms possible for itself when borrowing. In a situation where IPSCO make the only offer for Ram's assets, it is reasonable for IPSCO to look for credit from the lender who stands to lose the most if the purchase falls through. IPSCO is still required to repay interest and principal on this loan and has made all payments required thus far.

Therefore, since we have determined that the AOC loan was not provided on terms inconsistent with commercial considerations, we determine that this loan does not confer a subsidy.

III. Programs Determined Not To Be Used

We determine that the following programs are not used by manufacturers, producers, or exporters of OCTG in Canada:

A. Loans Under Subsidiary Agreements

Petitioners allege that under the GDA and federal-provincial subsidiary agreement, loans were provided on terms inconsistent with commercial considerations. We verified that the GDA was not itself a program and that none of the companies had outstanding loans under the subsidiary agreements during the review period.

B. Defense Industry Productivity Program (DIPP)

The DIPP, administered by the Department of Regional and Industrial Expansion (DRIE), has several purposes. Among these purposes are the stimulation of exports of military hardware and the provision of assistance to upgrade equipment, processes and facilities to make companies more competitive in bidding for military hardware contracts.

We verified that Algoma is the only manufacturer, producer or exporter of OCTG that received a DIPP grant. The grant was for a facility to desulfurize steel, which is used in producing OCTG and other steel products. DIPP funds were paid to Algoma in 1980 and 1981. Although the Department may determine that DIPP grants serve as export subsidies in other cases, we verified that there were no conditions in the Algoma DIPP grant agreement which were tied to export performance or which made the grant contingent upon exporting. Algoma has a large home market for desulfurized steel and products made from desulfurized steel. This DIPP grant benefits Algoma's entire production, and not exports alone. Thus, we determine that this grant was not an export subsidy.

Although we have determined that this program is not an export subsidy, we must still determine whether any benefits were received during the review period and, if so, whether this program is limited to a specific enterprise or industry, or group of enterprises of industries. Consistent with the Subsidies Appendix, we divide the sum of all grants received in each year by the total sales of the company in the same year. Algoma received no other grants in the two years DIPP funds were received. The calculated benefits in each year were *de minimis*; therefore we expensed them in the year of receipt. Because the DIPP grants received by Algoma were expensed prior to the review period and because no DIP grants were received by Algoma during the review period, we determine this program was not used.

C. Community-Based Industrial Adjustment Program of the Industry and Labor Adjustment Program (CIAP/ILAP)

This program, now terminated, provided loans and grants to firms in designated communities affected by high unemployment. We verified that 12 identified communities were eligible for CIAP during the life of the program. None of the OCTG respondents were located in these communities.

D. Promotional Projects Program (PPP)

The PPP is run by the Department of External Affairs. At selected foreign trade shows, the government of Canada rents space, furniture, and facilities which it subleases at minimal charge to Canadian exhibitors. The government of Canada reported that one OCTG respondent, Stelco, used the PPP in 1983 and 1985 (but not 1984) at a trade show in the United States. This benefit was received outside the review period. We verified that no benefit was received by OCTG companies during the review period.

E. Program for Export Market Development (PEMD)

The PEMD program is also run by the Department of External Affairs. One PEMD subprogram was reportedly used by Stelco, Algoma and IPSCO to recover certain transportation expenses incurred in selling specific products in potential markets. We verified that none of these trips were for selling OCTG in the United States. Therefore, we determine that this program was not used.

F. *Industrial and Regional Development Program (IRDP)*

Under the administration of DRIE, IRDP was established in 1983 as the successor to the RDIP. Its purpose is to increase industrial development and improve the overall economic climate in Canada. To accomplish this goal, grants are provided for four major purposes: (1) To encourage the development of new products and new processes and to increase industrial productivity and industrial competitiveness; (2) to assist in the establishment of new production facilities in less developed areas; (3) to increase industrial productivity through the improvement, modernization and expansion of existing manufacturing and processing operations; and (4) for marketing purposes. Each census district in Canada is classified into one of four tiers based on its level of economic development. The level of benefit varies inversely with employment, population density, and existing facilities.

The petitioners alleged that DRIE provides discretionary grants, interest-free loans and loan guarantees under IRDP. We verified that no IRDP loans or loan guarantees were provided to manufacturers, producers or exporters of OCTG. We have, however, verified that IPSCO and Siegfried Kreiser have been approved for specific IRDP grants, but have not yet received any funds. Therefore, we determine that this program was not used in the review period. We will examine any future provisions of money under IRDP in any section 751 review that may be requested.

G. Saskatchewan Economic Development Commission (SEDCO)

SEDCO issues loans, loan guarantees and in some cases invests in Saskatchewan industries and commerce. We verified from company financial records that, in the review period, none of the OCTG respondents had any outstanding loans, loan guarantees, investments or other assistance from SEDCO.

H. Ontario Development Corporation (ODC) Export Support Loans, Other Loans and Loan Guarantees

The ODC controls, approves and administers loan and loan guarantee programs in addition to administering, but not approving, grant programs (such as the Employment Development Fund, discussed earlier in this notice). We verified that no OCTG producer has received assistance under these programs.

I. Enterprise Development Program (EDP) Loans

Petitioners alleged that loans were provided on terms inconsistent with commercial considerations under EDP. Based on information in the records we inspected, none of the manufacturers, producers or exporters of OCTG had EDP loans outstanding during the review period.

J. Interest-Free Loans and Below-Commercial Rate Loans

Petitioners alleged that loans have been provided on terms inconsistent with commercial considerations by the government or at the direction of the government. We have verified that no government-funded or directed loan programs were used by manufacturers, producers or exporters of OCTG other than those programs already addressed in this notice.

K. Government Grants for Purchase of Fixed Assets

Petitioners alleged that government grants have been provided to IPSCO for purchase of fixed assets. We have verified that IPSCO and Algoma received grants for acquisition of fixed assets under the RDIP, DIPP and a subsidiary agreement. These grant programs are addressed elsewhere in this notice. The verified financial records of the governments and the companies indicate that there are no other government grant programs used by manufacturers, producers or exporters of OCTG, other than those previously discussed.

Negative Determination of Critical Circumstances

Petitioners alleged that imports of OCTG from Canada present "critical circumstances." Under section 703(e)(1) of the Act, critical circumstances exist when the Department has a reasonable basis to believe or suspect that (1) the alleged subsidy is inconsistent with the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement of Tariffs and Trade ("the Subsidies Code"), and (2) there have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period. Based upon our analysis, there were no export subsidies bestowed upon OCTG in Canada during the review period. Accordingly, we determine that the subsidies received are not inconsistent with the Subsidies Code.

Since we have determined that the subsidies are not inconsistent with Code commitments, we need not determine whether there have been massive imports. Accordingly, we determine that "critical circumstances" do not exist with respect to OCTG from Canada.

Petitioners' Comments

Comment 1: Petitioners argue the original AOC loan to Ram Steel provided a countervailable benefit to IPSCO. Petitioners have two major concerns. First, they argue that the loan to Ram was given on terms inconsistent with commercial considerations. Second, they argue that AOC provided another countervailable subsidy through its apparent forgiveness of two million dollars of Ram's outstanding debt. In both situations, petitioners argue that since the funds were provided to Ram, the subsidies accure to Ram's assets. Therefore, by purchasing Ram's subsidized assets, IPSCO is benefitting from those subsidies. Petitioners argue that the Department should find that AOC's subsidization of Ram's assets did not cease to confer a benefit to those assets once IPSCO purchased them.

DOC Position: Petitioners are asking the Department to determine that AOC loans to Ram conferred a subsidy that was passed through to IPSCO. We looked at the pass-through issue first.

Funds for the AOC loan were received by Ram Steel in January 1983, well after Ram had acquired its plant and equipment and was manufacturing steel pipe. As a factual matter, the loan was not tied to purchase of specific assets. In fact, Ram was manufacturing pipe before it obtained the loan. Further, IPSCO's purchase of Ram's assets was an arm's length transaction. IPSCO purchased Ram's assets at a price above the appraised value. The appraisal of the assets was conducted independently for the Court as part of the receivership proceedings. In an arm's length transaction, such as this one, subsidies, if there are any, are not passed through.

Finally, the other possibility is that IPSCO, in some way, benefitted from a reduction of Ram's liabilities through a forgiveness of debt. IPSCO purchased only Ram's physical assets; it did not purchase Ram itself. Since IPSCO was not responsible to Ram's creditors (Ram's stockholders were), it could not benefit from a reduction in Ram's liabilities.

Thus, since any subsidy to Ram was not passed through to IPSCO, the question of whether Ram received any subsidies is moot.

Comment 2: The petitioners note that the AOC loan to IPSCO, which financed part of the IPSCO purchase price for Ram Steel's plant and equipment, was

provided on deferred repayment terms. Therefore, the loan was on terms inconsistent with commercial considerations. Petitioners suggest that we compare the actual payments terms to the payment terms normally offered by commercial banks.

DOC Position: We disagree. See section II.C., "Alberta Opportunity Company Loan to IPSCO," of this notice.

Comment 3: Petitioners note that for one IPSCO grant, approved in 1972, the Department allocated the benefit using a rate of interest on debt applicable to a long-term commercial loan taken out by IPSCO in 1972. They point out that IPSCO also issued bonds at a higher rate of interest in the same year in addition to the commercial loan. Petitioners suggest that we allocate the 1972 grant based on the bond interest rate.

DOC Position: While it is inappropriate to use only the higher interest rate on the bonds in the weighted cost of capital calculation, we have now included this higher interest rate in calculating the average long-term debt rate for the year in which the grant was approved. However, using this average long-term debt rate in IPSCO's weighted cost of capital had no effect on the *ad valorem* subsidy rate.

Respondents' Comments

Comment 1: The government of Canada and other respondents have observed that most of the OCTG manufacturers, producers or exporters received no countervailable subsidies and one company received subsidies which we calculated ad *de minimis*. (All these companies had requested exclusion from the determination.) One company, IPSCO, received countervailable subsidies. They claim that the Department incorrectly determined that the country-wide rate was the same rate applicable to the non-excluded company, and argue that the Department should have divided all subsidies to all companies by sales from these companies, including those not receiving subsidies, to determine the country-wide rate. If this were done, the country-wide rate would be *de minimis*. Only after determining whether there will be an order should companies be excluded.

DOC Position: The purpose of our determination is to find a bonding or deposit rate equal to the average level of subsidization of imports subject to an order, assuming that average rate is above *de minimis*. The way we calculate this country-wide average is to take the subsidies found and divide by either the value of export sales of all firms subject to the investigation, or their total sales (depending on whether it is an export or a domestic subsidy). We do not normally calculate specific rates for each company.

In the case on OCTG, all the respondent firms requested exclusion from the determination. Kreiser chose not to respond to our questionnaire; therefore it could not be excluded and we had to use best information as representing its level of subsidization (*i.e.*, the highest subsidy found for other companies, in this case, IPSCO). The other exclusion requests required us to look at each company individually. All the respondents except IPSCO qualified for exclusion. Their imports will not be subject to a countervailing duty order, if the ITC issues an affirmative injury determination. Thus, IPSCO became the basis for our country-wide average.

Section 701 of the Act directs the Department (upon determination that a subsidy exists) to impose a countervailing duty equal to the amount of the net subsidy. If the Department averaged benefits to companies which are excluded from the collection of countervailing duties, as the government of Canada requests, with countervailing duties collected only from companies which are receiving subsidies, the aggregate amount of countervailing duties collected would be less than the net subsidy. Therefore, the Department will continue its practice of only using rates applicable to firms receiving more than *de minimis* benefits when computing country-wide rates.

Comment 2: The government of Canada and IPSCO state that the provincial portion of the GDA grant is "not targeted at specific regions or industries." Within Saskatchewan, the scope of this and other subsidiary agreements under the GDA and its successor act means that the entire economy of Saskatchewan has access to such funding under very general eligibility criteria.

DOC Position: As we stated in *Groundfish*, GDAs are not programs *per se*. They do not establish government programs, nor do they provide for the administration and funding of government programs. They are merely legal agreements under which departments of the federal and provincial governments may cooperate in establishing and administering joint economic development programs in spheres of dual or conflicting jurisdiction. The implementation, administration, and funding of industry and regional-specific programs occurs exclusively through subsidiary agreements. Therefore, we decided that in determining whether a subsidiary agreement is limited to specific enterprises or industries, the proper level of analysis is the subsidiary agreement.

In this case, the Saskatchewan Iron, Steel and Other Related Metal Industries Subsidiary Agreement in question was targeted specifically to the iron, steel, and other related metal industries. Even more specifically, in Saskatchewan, only one company, IPSOC, constitutes the entire industry which could have availed itself of a major portion of the subsidiary agreement benefits, those targeted at primary and at secondary steel producers. As such, the subsidiary agreement is clearly limited to a specific enterprise or industry.

Comment 3: IPSCO claims that the Department's method for apportioning the value of grants used by IPSCO for the capital improvement of its steel facilities (by sales value rather than by weight) unfairly biases the subsidy to products, such as OCTG, with a relatively high unit value per ton. IPSCO suggests that since the money was granted for steel making capital equipment, it would be fairer to allocate the benefits on the basis of weight rather than value.

DOC Position: Except in certain involving agricultural products, the Department has consistently allocated the value of grants received based on the value of products sold. We cannot determine, *a priori*, if a cash grant is more beneficial to the volume than the value of the goods produced. Therefore, we utilize a standard method to avoid biasing the outcome.

Comment 4: The Department of Commerce calculated the value of the benefit of an IPSCO grant based on the published debt to equity ratio for IPSCO in the year that the grant was approved. IPSCO contends that we should have used IPSCO's average debt to equity ratio between IPSCO's first year of operation and the year the grant was provided.

DOC Position: As we stated in the Subsidies Appendix, the discount rate applied in our grant methodology is a measure of the company's time preference for money. We further stated that a company's time preference for money is determined by its expected rate of return on investments at the time the subsidy was received. Since that rate of return is not easily quantifiable, we considered the company's actual cost of raising money (weighted cost of capital) at the time the grant was bestowed. Using a debt to equity ratio affected by other time periods would not reflect the cost to the company of raising money at the time the subsidy was

approved. Furthermore, the proposed method does not use standardized times over which one company's time preference for money could be compared to another.

Comment 5: IPSCO argues that the Department was incorrect to use national average cost of debt in calculating the value of a benefit for an IPSCO grant. IPSCO argues that we should use IPSCO's short-term interest rate that it would have paid in the year the grant was approved. IPSCO further argues that without the grant, it would have used short-term financing and it would have received the same rate as for other short-term borrowings that year.

DOC Position: The project, partially funded by the grant, was built over several successive years. It was a major capital expansion. During the years that the project was being built, IPSCO floated two 15-year debenture issues at higher interest rates than IPSCO suggests we use for calculation purposes. To say that this large capital expansion project would have been financed by short-term borrowings is purely speculative and unsupported by any verified facts. In general, firms use long-term debt or equity to finance such long-term projects.

Comment 6: IPSCO claims that DOC should have used 25 years rather than 15 years as the period over which to amortize the grants. It claims that it uses 25 years for financial reporting purposes, that this period has been accepted by its external auditors and that the steel industry in Canada generally writes off its capital assets in this time.

DOC Position: In the Subsidies appendix, we state that we will allocate grants over the average useful life of a company's renewable physical assets as determined by the U.S. Internal Revenue Service (IRS) in the 1977 Class Life Asset Depreciation Range System. That is the source of the 15-year allocation period used in this case. We feel the use of the IRS tables provides a consistent and predictable standard for allocating grants. If we were to use different countries' tax tables or different companies' amortization periods for allocating grant benefits, we might arrive at different subsidy rates for equal grants due solely to the different periods of allocation. (In addition, this method provides petitioners, before filing a petition, with a consistent and publicly-available standard for determining whether programs potentially provide countervailable benefits.)

In this case we have found that, while IPSCO and other Canadian primary and secondary steel producers may amortize capital equipment expenditures over 25 years, we are aware of nothing that requres them to do so. Accepting that IPSCO depreciates capital equipment for financial statement purposes over a 25-year period, the majority of this equipment is depreciated for tax purposes by IPSCO over a two-year period with the remainder depreciated for tax purposes over other intervals. The Canadian government accepts these various methods. So even if we did attempt to find a company-or country-specific allocation period, there is often no clear choice of what that period should be. Therefore, we continue to rely on the IRS tables as a reasonable measure of the average life of a company's renewable physical assets.

Comment 7: IPSCO argues that the Department should reduce the value of the grants by the tax savings which IPSCO gave up in accepting grants. IPSCO states that it does not receive a capital cost allowance (depreciation) on grant money. If it had paid for the assets out of company funds instead of accepting a grant, it would have received a non-countervailable capital cost allowance which could have been deducted from taxable income. Using an incremental tax rate, IPSCO contends that it would have reduced its taxes owed by a percentage of the full capital cost allowance that it would have receive if the full value of the assets purchased by the grant money had been subject to capital cost allowance.

DOC Position: It has been our consistent policy not to take into account the secondary effects, including tax effects, of subsidies. Any offsets to a counteravailable subsidy are strictly limited by section 771(6) of the Act. Furthermore, the review period for this investigation was calendar year 1984. During the review period, IPSCO filed its fiscal year 1983 tax return. IPSCO had negative taxable income on its 1983 tax return. Thus, assuming the facts as IPSCO presents them, additional capital cost allowance would not result in tax savings during the review period.

Comment 8: IPSCO argues that if it had invested its own money in lieu of grant funds on the project, it would have had to borrow the money. If it had borrowed the money, it would have incurred an interest expense, which it could have taken as a tax deduction. The tax deduction (which IPSCO did not get because it accepted the grant), IPSCO postulates, would have resulted in a tax savings which they contend should be used to reduce the value of the grant.

DOC Position: As stated above, we do not consider the secondary effects of subsidy. Since IPSCO did, indeed, accept the grant funds, the hypothesis it poses is speculative.

Comment 9: IPSCO argues that the use of the Subsidies Appendix, published in 1984, may have been warranted in the case for which it was first published since the parties to that case had opportunity to present their views on the proposed methodologies. They contend that the use of the Subsidies Appendix in subsequent cases constitutes rulemaking and is in violation of the Administrative Procedure Act (APA). Since the parties in this investigation did not have an opportunity to submit comments and be heard prior to publication of the Subsidies Appendix, they argue that it should not be applied to the present case.

DOC Position: IPSCO is in error when it states that it had no notice or opportunity to comment on the methodologies from the Subsidies Appendix that were employed in the present case. It admits that notice and comment are adequately provided for in the case where the methodologies are formulated. However, IPSCO fails to recognize that the same justification applies to subsequent cases where such methodology may be employed. In this case, IPSCO has been provided with notice and opportunity to comment on the methodologies used even though they were first formulated in an earlier case. It has, in fact, commented on them in its prehearing brief, at the hearing and in its post-hearing brief.

Furthermore, an investigative agency such as the Department of Commerce, has the discretion to develop general policies on a case-by-case basis rather than through rulemaking procedures. (See *NLRB* v. *Bell Aerospace Company*, 416 U.S. 267, 290–295 (1973)). IPSCO seeks to have the Department follow a fairly rigid standard with regard to all methodologies used. The responsibilities of the Department preclude strict compliance with the APA. Because of the large number of government programs that confer subsidies, the Department needs the flexibility to formulate and adjust methodologies that are applicable to the various government programs. Strict compliance with the APA formal rulemaking procedures, including the requirement that rules go into effect at least 30 days after publication, would severely retard the Department's ability to meet its obligations with ragard to the countervailing duty law. Such a result could not have been intended by Congress. Therefore, the Department does not consider formulation of methodology to be formal rulemaking.

Congressional authority for this position is apparent in the legislation governing the Department's duties in the area of countervailing duties. Congress has provided strict requirements in every countervailing duty investigation or review proceeding for notice and opportunity for comment from all parties, as well as a hearing, if requested. Further evidence of Congressional intent can be found in 19 U.S.C. 1677(c)(b), where adherence to the APA is waived for these hearings. Congress would not have waived the APA requirements for hearings, where the parties are invited to comment, if it expected compliance with the APA concerning the methodology employed. It is clear that Congress, recognizing the nature of countervailing duty proceedings, provided a system of notice and comment that protects the same rights protected under the APA, without hampering the work of the Department.

Comment 10: IPSCO claims that the application of the procedures published in the Subsidies Appendix, for grants approved in 1978 and received between 1980 and 1983, amounts to the imposition of a retroactive tax. IPSCO feels that the Subsidies Appendix should apply only to grants received after its publication. IPSCO claims that it studied our past countervailing duty practices and would never have applied for or accepted a grant which it understood to be countervailable when it chose to apply for the grants in question.

DOC Position: We disagree. Since at least 1974, we have been allocating the value of Canadian subsidies over time. The Subsidies Appendix altered our prior valuation method of a subsidy, not our determination of its countervailability. Grants approved in 1978 and received in 1980, 1981, 1982 and 1983 would be countervailable according to the 1973 methodology we used for Michelin Tires from Canada (3 ITRD 1177 (CIT, 1981)) or the latter method published in the Subsidies Appendix. There is no evidence that IPSCO relied on past practices, as it claimed. If IPSCO has relied on past practices, the subsidy it received would still have been countervailable.

The countervailing duty imposed is prospective, affecting merchandise entered or withdrawn from warehouse after the date of the preliminary determination or order. IPSCO has confused the method of valuation of a subsidy, which is necessarily based on activities in an earlier period, with the merchandise on which the countervailing duty is imposed.

The Trade Agreement Act of 1979 redefined the term "subsidy" in relation to the General Agreement on Tariffs and Trade. It did not constrain us to apply this new standard only to subsidies received after the date of enactment. To do so would have vitiated the effective use of the countervailing duty law for several years. This was clearly not the Congressional intent.

Comment 11: The respondents request that the Department take steps to subdivide the TSUSA classification numbers to segregate non-OCTG pipe and tube products now in mixed classifications with OCTG. Otherwise, liquidation of these non-OCTG products would be unfairly delayed by U.S. Customs.

DOC Position: The prime responsibility for establishing TSUSA classifications is that of the ITC. We see no reason for the ITC to make the requested breakouts in the TSUSA. We have had affirmative antidumping and/or countervailing duty determinations on OCTG from other countries. These have been administered using the existing TSUSA. Based on this experience, there is no need for the proposed modifications.

Verification

In accordance with section 776(a) of the Act, we verified the information used in making our final determination. During verification, we followed standard verification procedures, including meeting with government officials, inspection of documents and ledgers, and tracing the information in the responses to source documents, accounting records, and financial statements.

Suspension of Liquidation

In accordance with section 703(d) of the Act, we are directing the U.S. Customs Service to continue to suspend liquidation of all unliquidated entries of OCTG from Canada which are entered, or withdrawn from warehouse, for consumption, on or after December 30, 1985 and before May 1, 1986. On May 1, 1986, the suspension of liquidation, ordered in our preliminary affirmative countervailing duty determination, will be terminated. As of the date of publication of this notice in the Federal Register, The Customs Service should require a cash deposit or bond for each such entry of this merchandise equal to 0.72 percent *ad valorem* except for OCTG from Stelco Inc., Sonco Steel Tube (a division of Ferrum Inc.), Algoma Steel Corp., Ltd., Welded Tube of Canada, Ltd., Prudential Steel Ltd., Frank Pipe Co., Christianson Pipe, Ltd., Dominion Steel Export Co., Ltd., and Matthew Tube & Pipe Supply Inc. We will reinstate the suspension of liquidation if the ITC makes a final affirmative injury determination in this investigation.

ITC Notification

In accordance with section 705(c) of the Act, we will notify the ITC of our determination In addition, we are making available to the ITC all non-privileged and non-confidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

The ITC will determine whether these imports materially injure, or threaten material injury to a U.S. industry within 45 days after the date of publication of this notice. If the ITC determines that material injury, or the threat of material injury, does not exist, this proceeding will be terminated and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or cancelled. If, however, the ITC determines that injury exists, we will issue a countervailing duty order, directing Customs officers not to assess a countervailing duty on shipments from the nine firms with zero or *de minimis* assessment rates during the period of review, and to assess a countervailing duty on all other oil country tubular goods from Canada entered, or withdrawn from warehouse, for consumption, on or after the date of the suspension of liquidation, as indicated in the "Suspension of Liquidation" section of this notice.

This notice is published pursuant to section 705(d) of the Act (19 U.S.C. 1671d(d)).

Paul Freedenberg,

Assistant Secretary for Trade Administration.

April 16, 1986.

[FR Doc. 86-8959 Filed 4-21-86; 8:45 am]

BILLING CODE 3510-DS-M

Minority Business Development Agency

Financial Assistance Application Announcement; Louisiana

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a *three (3) year period,* subject to

available funds and satisfactory performance. The cost of performance for the first *twelve (12) months* is estimated at *$154,547* for the project's performance period of *September 1, 1986 to August 31, 1987.* The MBDC will operate in the *Shreveport, Louisiana Metropolitan Statistical Area (MSA).*

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organizations, local and state governments, American Indian Tribes and educational institutions.

The MBDC will provide management and technical assistance (M&TA) to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance (M&TA); and 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 minority business individuals and organizations; the resources available to the firm in providing management and technical assistance (M&TA); the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a three (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 MBDC's satisfactory performance, the availability of funds, and Agency priorities.

Closing date: The closing date for application is May 19, 1986. Applications must be postmarked *on* or *before* May 19, 1986.

ADDRESS: MBDA—Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas, 75242–0790.

FOR FURTHER INFORMATION, CONTACT: Marie Hearne, Business Development Clerk, Dallas Regional Office, 214/767–8001.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

Dated: April 15, 1986.

Melda Cabrera,

Acting Regional Director, Minority Business Development Agency, Dallas Regional Office.

[FR Doc. 86–8973 Filed 4–21–86; 8:45 am]

BILLING CODE 3510-21-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Restraint Limit for Certain Man-Made Fiber Textile Products Produced or Manufactured in Romania

April 17, 1986.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on April 23, 1986. For further information contact Eve Anderson, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212.

Background

On December 26, 1985 a notice was published in the **Federal Register** (50 FR 52829), which announced establishment, under the Bilateral Wool and Man-Made Fiber Textile Agreement of November 7 and 16, 1984, between the Governments of the United States and the Socialist Republic of Romania, of the import limits for certain specified categories of wool and man-made fiber textile products, including man-made fiber sweaters in Category 645/646, produced or manufactured in Romania and exported during the twelve-month period which began on January 1, 1986 and extends through December 31, 1986. Under the terms of the bilateral agreement the limit for Category 645/646 is being reduced from 220,154 dozen (corrected limit) to 208,759 dozen to account for 11,755 dozen of carryforward used in 1985.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1986).

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

April 17, 1986.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of December 20, 1985, which directed you to prohibit entry of certain wool and man-made fiber textile products, produced or manufactured in Romania.

Effective on April 23, 1986, the directive of December 20, 1985 is hereby amended to include an adjusted restraint limit of 208,759 dozen [1] for man-made fiber textile products in Category 645/646.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86–8937 Filed 4–21–86; 8:45 am]

BILLING CODE 3510-DR-M

Import Limits for Certain Wool and Man-Made Fiber Textile Products From the Socialist Republic of Romania Effective on January 1, 1986

April 16, 1986.

On December 26, 1985 a notice was published in the **Federal Register** (50 FR 52829) which announced the import limits for specified categories of cotton and wool textile products, produced or manufactured in Romania and exported to the United States during the twelve-month period which began on January 1, 1986 and extends through December 31, 1986. The limit for man-made fiber textile products in Category 645/646 in the letter to the Commissioner of Customs which followed that notice should have been 220,514 dozen.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86–8936 Filed 4–21–86; 8:45 am]

BILLING CODE 3510-DR-M

[1] The limit has not been adjusted to reflect any imports exported after December 31, 1985.

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Open Meeting

April 16, 1986

The USAF Scientific Advisory Board Ad Hoc Committee on Review of Air Force Current and Long-Term Responses to Hazardous Materials/Waste Issues will meet May 6–7, 1986 at the Aeronautical Systems Division, Wright-Patterson AFB OH from 9:00 a.m. to 5:00 p.m. each day. The purpose of the meeting will be to review Air Force use of hazardous materials as pertains to system development and acquisition.

The meeting will be open to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697–4811.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 86–9123 Filed 4–21–86; 10:44 am]

USAF Scientific Advisory Board; Meeting

April 14, 1986.

The USAF Scientific Advisory Board Ad Hoc Committee on Appropriate Air Force Technology efforts to Complement the Strategic Defense Initiative Program will meet at Peterson AFB, CO, on May 14, 1986, from 8:30 am to 5:00 pm and on May 15, 1986, from 8:00 am to 3:30 pm.

The purpose of the meeting will be for the Sensors/Kinetic Energy Subpanel to review, in detail, Air Force Space requirements and programs to satisfy them.

The meeting concerns matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202–697–8404.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 86–8895 Filed 4–21–86; 8:45 am]

BILLING CODE 3910–01–M

DEPARTMENT OF THE ARMY

Military Traffic Management Command, Military Personal Property Symposium; Notice of Open Meeting

Announcement is made of meeting of the Military Personal Property Symposium. This meeting will be held on 15 May 1986 at the Stouffer Concourse Hotel, Crystal City, Arlington, Virginia, and will convene at 0830 hours and adjourn at approximately 1500 hours.

Proposed Agenda

The purpose of the symposium is to provide an open discussion and free exchange of ideas with the public on procedural changes to Personal Property Traffic Management Regulation (DoD 4500.34–R), and the handling of other matters of mutual interest concerning the Department of Defense Personal Property Movement and Storage Program.

All interested persons desiring to submit topics to be discussed should contact the Commander, Military Traffic Management Command, ATTN: MT–PPM, at telephone number 756–1600, between 0800–1530 hours. Topics to be discussed should be received on or before 2 May 1986.

Dated: April 1, 1986.

Joseph R. Marotta,

Colonel, GS, Director of Personal Property.

[FR Doc. 86–8897 Filed 4–21–86; 8:45 am]

BILLING CODE 3710–08–M

Department of the Navy

Naval Research Advisory Committee; Closed Meeting

Notice was published April 11, 1986, at 51 FR 12541, that the Naval Research Advisory Committee Panel on Soviet Submarine Threat will meet on April 28–29, 1986. The meeting location in the afternoon of April 29 has been changed to PRESEARCH, INC., 8500 Executive Park Avenue, Fairfax, Virginia 22031. All other information in the previous notice remains effective.

Dated: April 17, 1986.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 86–8965 Filed 4–21–86; 8:45 am]

BILLING CODE 3810–AE–M

DELAWARE RIVER BASIN COMMISSION

Commission Meeting and Public Hearing

Notice is hereby given that the Delware River Basin Commission will hold a public hearing on Tuesday, April 29, 1986 beginning at 1:30 p.m. in the Goddard Conference Room of the Commission's offices at 25 State Police Drive, West Trenton, New Jersey. The hearing will be part of the Commission's regular business meeting which is open to the public.

An informal pre-meeting conference among the Commissioners and staff will be open for public observation at about 11:00 a.m. at the same location.

The subjects of the hearing will be as follows:

Current Expense and Capital Budgets. A proposed current expense budget for the fiscal year beginning July 1, 1986, in the aggregate amount of $2,161,000 and a capital budget for the same period in the amount of $837,500 in revenue and $716,800 in expenditures. Copies of the current expense and capital budget are available from the Commission on request. This hearing continues that of March 26, 1986.

Applications for Approval of the Following Projects Pursuant to Article 10.3, Article II and/or Section 3.8 of the Compact:

1. *Holdover Project: Hatfield Packing Company D–83–24.* A ground water withdrawal project to supply approximately 0.16 million gallons per day (mgd) of water to the applicant's meat packing facility in Hatfield Township, Montgomery County, Pennsylvania. Well Nos. 1, 2, 3 and 4, located in Hatfield Township, were previously placed in service and have collectively withdrawn in excess of 100,000 gallons per day (gpd) without approval of the Delaware River Basin Commission. Ground water from the wells is used in conjunction with water purchased from the North Penn Water Authority. This hearing continues that of March 26, 1986.

2. *Cressona Aluminum Company D–82–5 RENEWAL.* An application for the renewal of a ground water withdrawal project to supply up to 21.6 million gallons (mg)/30 days of water to the applicant's industrial facility from Well Nos. 1 and 3. Commission approval on June 23, 1982 was limited to five years and will expire unless renewed. The applicant requests that the total withdrawal from all wells remain limited to 21.6 mg/30 days. The project is located in Cressona Borough, Schylkill County, Pennsylvania.

3. *Upper Saucon Township D–85–57 CP.* A ground water withdrawal project to supply up to 1.0 mgd of water to the applicant's distribution system from the abandoned New Jersey Zinc Company mine shaft. The project is located in Upper Saucon Township, Lehigh County, Pennsylvania.

4. *U.S. Steel Corporation—Fairless Hills Works D–85–79.* A 40,000 gpd wastewater treatment package plant is proposed to serve an industrial park now under construction by U.S.S. Realty Development, a division of U.S. Steel. The proposed plant would be installed

adjacent to the existing 20,000 gpd plant within the U.S. Steel Fairless Works site in Falls Township, Bucks County, Pennsylvania. The plant would treat domestic wastewater only. The effluent would flow to the existing outfall line, which discharges to an unnamed tributary of Biles Creek.

5. *U.S. Army Corps of Engineers, Philadelphia District (Wilmington Harbor South) D–85–88 CP.* Approval is sought to convert a 326-acre riverine site into a disposal area for material dredged during the Wilmington Harbor Federal Navigation Project. The site (Wilmington Harbor South) extends from near the mouth of the Christina River to Pigeon Point, New Castle County, Delaware. Utilization of the proposed site in conjunction with the existing disposal sites on nearby Cherry Island would provide capacity for dredged materials at least until the year 2040. The site consists of 87 acres of uplands, 12 acres of vegetated wetlands, 65 acres of intertidal mudflats and 142 acres of shallow water. Twelve acres of wetland vegetation would be planted at the site and artificial reefs would be established off Slaughter Beach in Delaware Bay to mitigate the filling of wetland habitat.

6. *Magnesium Elektron, Inc. D–86–1.* An application for modification of an existing wastewater discharge at the Magnesium Elektron, Inc. (MEI) facility in Kingwood Township, Hunterdon County, New Jersey. Presently, wastewaters containing excessive dissolved solids are stored in holding basins and then discharged in proportion to streamflow in Wickecheoke Creek. The applicant is proposing to install a reverse osmosis treatment system to concentrate the dissolved solids in the wastewater and thereby increase the length of time that the production facility can operate with no discharge. The concentration of dissolved solids in the effluent would increase from 30,000 mg/1 to 60,000 mg/1. However, the effluent will continue to be proportioned with streamflow to meet existing requirements on Wickecheoke Creek and in the Delaware and Raritan Canal.

7. *Honesdale Borough D–86–9 CP.* A sewage treatment project to serve the Borough of Honesdale and a portion of Texas Township in Wayne County, Pennsylvania. The application consists of a proposal to expand the capacity of the existing sewage treatment facility's chlorine contact tank and to rerate the plant's capacity from 0.92 mgd to 1.18 mgd. The treatment effluent will continue to be discharged to the Lackawaxen River.

8. *Borough of Stroudsburg D–86–11 CP.* A sewage treatment project to serve the Borough of Stroudsburg and Stroud Township in Monroe County, Pennsylvania. The existing plant will be expanded to 2.5 mgd and upgraded to tertiary level treatment by constructing several new facilities. Treated effluent will continue to discharge to McMichaels Creek at River Mile 213.0–4.0–0.2.

9. *Cranberry Hill Corporation/Penn Estates D–86–16.* An application for expansion of the applicant's sewage treatment plant serving a housing development located in Stroud Township, Monroe County, Pennsylvania. The existing 50,000 gpd plant will have a design capacity of 100,000 gpd. The treated effluent will continue to be discharged to an unnamed tributary of Brodhead Creek.

10. *Draper King Cole, Inc. D–86–18.* An application to replace the withdrawal of water from Well No. 12 in the appliant's water supply system which has become an unreliable source of supply. The applicant requests that the withdrawal from replacement Well No. 12A be limited to 11.7 mg/30 days, and that the total withdrawal from all wells remain limited to 75 mg/30 days. The project is located in the Town of Milton, Sussex County, Delaware.

Documents relating to these items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Please contact David B. Everett. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the hearing.

Susan M. Weisman,

Secretary.

April 14, 1986.

[FR Doc. 86–8978 Filed 4–21–86; 8:45 am]

BILLING CODE 6360–01–M

DEPARTMENT OF EDUCATION

Office of Educational Research and Improvement

Research and Development Centers Program

AGENCY: Department of Education.

ACTION: Application notice for new award under the Research and Development Centers Program for fiscal year 1987.

Programmatic and Fiscal Information

The Secretary of Education announces a competition for a cooperative agreement to operate a Reading Research and Education Center. The contract for the current Center for the Study of Reading, funded by the Office of Educational Research and Improvement (OERI), is scheduled to expire in fiscal year 1986. In order to ensure a continued focus on reading beyond that date, Congress has recommended that OERI conduct an open competition to support a research center whose primary focus is research on and the study of reading. See the Committee Report accompanying Pub. L. 99–178 (H.R. Rep. No. 289, 99th Cong., 1st Sess. 137 (1985)). To complement the research program engaged in by the Reading Research and Education Center, OERI will hold a grants competition for research on other, related topics in reading and literacy. The announcement for the grants competition is published elsewhere in this issue of the **Federal Register.**

The Secretary of Education has selected reading as the absolute priority for this competition from among the priorities listed in 34 CFR 706.12. Only those applications that propose a research center for the study of reading will be considered.

The Secretary is particularly interested in research in the following areas. However, applications that address these invitational priorities will not be given competitive advantage over other applications to establish a research center for the study of reading.

1. *Acquisition of Knowledge and Skills:* how students learn the skills that enable them to acquire knowledge from textbooks in different academic subjects.

2. *Instruction in Reading:* how teachers can become more effective in helping students learn to read.

3. *Text Structure:* how textbooks can be improved to optimize student learning.

4. *Testing of Reading Proficiency and Evaluation of Instruction:* how reading proficiency can be better measured and how various instructional approaches can be validated.

OERI expects to collaborate with the recipient in carrying out the mission of the Reading Research and Education Center. This collaboration will include some involvement in developing the research agenda, specifying anticipated outcomes, setting research priorities, altering research objectives on the basis of preliminary findings, and reviewing final results. The intent of the collaboration is to reach mutually agreeable decisions on these research matters, with the recipient being given full opportunity to express its views.

Research and development centers established by institutions of higher education or by interstate agencies established by compact which operate subsidiary bodies established to

conduct postsecondary educational research and development are eligible to apply for a cooperative agreement for institutional operations.

The Secretary anticipates that one cooperative agreement in the amount of $1.2 million will be awarded. The project period is expected to be five (5) years, with the first year beginning no earlier than November 15, 1986, and with four (4) continuation years thereafter. The Secretary anticipates that the total award will not exceed $6.0 million. These estimates are based on anticipated Congressional appropriations and on the assumption that an application of satisfactory quality will be received. These estimates do not bind the U.S. Department of Education to a specific number of cooperative agreements or to the amount of any cooperative agreement, unless that amount is otherwise specified by statute or regulations.

Closing Date for Transmittal of Applications

Applications for the new award must be mailed or hand-delivered on or before July 21, 1986.

Applications sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: CFDA No. 84.117, 400 Maryland Avenue SW., Washington, DC 20202.

Each late applicant will be notified that its application will not be considered.

Applications that are hand-delivered must be taken to the U.S. Department of Education, Application Control Center, Room 3633, Regional Office Building #3, 7th and D Streets SW., Washington, DC. The Application Control Center will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, DC, time) daily, except Saturdays, Sundays, and Federal holidays.

Applicable Regulations

Regulations applicable to this program include the following:

(a) The regulations governing the Research and Development Centers Program in 34 CFR Parts 706 and 708.

(b) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, and 78.

Application Forms

Application forms and program information packages are available. These may be obtained by writing to Research and Development Centers Program, Office of Educational Research and Improvement, U.S. Department of Education, 2100 19th Street NW., Washington, DC 20208.

Questions regarding the application notice and the information package will be answered on Wednesday, May 21, 1986, 1:00 p.m. to 4:30 p.m., at the Brown Building, Room 832B, 1200 19th Street NW., Washington, DC. This session will answer any question and clarify any issue regarding information already made available to applicants, in particular, the information in this application notice and in the program information package. For this reason, prospective applicants are urged to read the application notice and the program information package provided by OERI before attending the session. *Potential applicants who are unable to attend the information session are invited to contact Anne Sweet (telephone: (202) 254–5706) after June 4, 1986, for a written summary of the proceedings.*

Further Information

For further information, contact Anne Sweet, Office of Educational Research and Improvement, 1200 19th Street NW., Washington, DC 20208. Telephone: (202) 254–5706.

Authority: 20 U.S.C. 1221e (e) and (f).

(Catalog of Federal Domestic Assistance Number 84.117, Research and Development Centers Program)

Dated: April 17, 1986.

William J. Bennett,

Secretary of Education.

[FR Doc. 86–9005 Filed 4–21–86; 8:45 am]

BILLING CODE 4000–01–M

Office of Elementary and Secondary Education

Indian Education Programs—Formula Grants—Local Educational Agencies and Tribal Schools

AGENCY: Department of Education.

ACTION: Notice of Extension of Closing Date for Transmittal of New Applications for Fiscal Year 1986 Assistance under the Formula Grants—Local Educational Agencies and Tribal Schools Program.

SUMMARY: This notice extends the closing date of February 13, 1986 to May 22, 1986, for the transmittal of new applications under the Formula Grants—Local Educational Agencies and Tribal Schools Program (84.060A). The application notice for this program published in the **Federal Register** on October 16, 1985 (50 FR 41934) provides detailed information concerning this program.

SUPPLEMENTARY INFORMATION: Section 453(a) of the Indian Education Act establishes eligibility requirements for participation in programs funded under Part A of the Indian Education Act. The Department has addressed this provision by requiring that local educational agencies participating in the Part A program keep on file completed Indian Student Certification forms for each Indian child claimed for purposes of payment.

On April 10, 1986, the Department informed districts that submitted applications under this program by the February 13, 1986 deadline that they may continue to count eligible students for whom the district is seeking to obtain completed forms to generate fiscal year 1986 funds for use in the 1986–1987 academic year.

The Department has determined that many eligible school districts were unaware that they may include students for whom they are in the process of obtaining information in the count for fiscal year 1986 funds, and as a consequence, did not submit applications by the February 13, 1986 closing date. The extension of the closing date to May 22, 1986, will enable all eligible applicants to apply or to amend their applications at their discretion. This extension will not substantially alter the schedule for issuance of grant awards.

FOR FURTHER INFORMATION: Inquiries concerning this extension should be addressed to Ervin Keith, Indian Education Programs, U.S. Department of Education, Office of Elementary and Secondary Education, Room 2177, FOB–6, 400 Maryland Avenue SW., Washington, DC 20202. Telephone (202) 732–1887.

(Catalog of Federal Domestic Assistance No. 84.060, Formula Grants to Local Educational Agencies and Tribal Schools)

(20 U.S.C. 241aa–241ff)

Dated: April 17, 1986

Lawrence F. Davenport,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 86–9006 Filed 4–21–86; 8:45 am]

BILLING CODE 4000–01–M

Education Statistics Advisory Council; Meeting

AGENCY: Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Advisory Council on Education Statistics. This notice also describes the functions of

the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATE: May 12, 1986.

ADDRESS: 1200 19th Street NW., Room 823, Washington, DC, 20208.

FOR FURTHER INFORMATION CONTACT: Iris Silverman, Executive Director, Advisory Council on Education Statistics, 1200 19th Street NW., (Brown Building) Room 600–D, Washington, D.C. 20208. Telephone: (202) 254–5284.

SUPPLEMENTARY INFORMATION: The Advisory Council on Education Statistics is established under section 406(c)(1) of the Education Amendments of 1974, Pub. L. 93–380. The Council is established to review general policies for the operation of the Center for Statistics (CS) in the Office of Educational Research and Improvement and is responsible for establishing standards to insure that statistics and analyses disseminated by the Center are of high quality and are not subject to political influence.

The meeting of the Council is open to the public. The proposed agenda includes the following:

- The Director's report.
- Technical decisions in two major surveys: (1) National Education Longitudinal Study: 1988, and (2) Remedial education (Fast Response Survey System).

A discussion of elementary/secondary data redesign issues.

Records are kept of all Council proceedings and are avaiable for public inspection at the Office of the Executive Director, Advisory Council on Education Statistics, 1200 19th Street NW. (Brown Building), Room 600–D, Washington, DC 20208.

Dated: April 14, 1986.

Chester E. Finn, Jr.,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 86–8944 Filed 4–2–86; 8:45 am]

BILLING CODE 4000–01–M

Education Statistics Advisory Council; Meeting

AGENCY: Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Advisory Council on Education Statistics. This notice also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATE: May 13, 1986.

ADDRESS: 1200 19th Street NW., Room 823, Washington, DC 20208.

FOR FURTHER INFORMATION CONTACT: Iris Silverman, Executive Director, Advisory Council on Education Statistics, 1200 19th Street NW. (Brown Building), Room 600–D, Washington, DC 20208. Telephone: (202) 254–5284.

SUPPLEMENTARY INFORMATION: The Advisory Council on Education Statistics is established under section 406(c)(1) of the Education Amendments of 1974, Pub. L. 93–380. The Council is established to review general policies for the operation of the Center for Statistics (CS) in the Office of Educational Research and Improvement and is responsible for establishing standards to insure that statistics and analyses disseminated by the Center are of high quality and are not subject to political influence.

The meeting of the Council is open to the public. The proposed agenda includes the following:

- The Council's role in setting standards.
- Council's suggestions on efficiencies and economies in design issues.
- Such old and new business as the Presiding Officer or membership may put before the Council.

Records are kept of all Council proceedings and are available for public inspection at the Office of the Executive Director, Advisory Council on Education Statistics, 1200 19th Street NW. (Brown Building), Room 600–D, Washington, DC 20208.

Dated: April 14, 1986.

Chester E. Finn, Jr.,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 86–8945 Filed 4–21–86; 8:45 am]

BILLING CODE 4000–01–M

Office of Education Research and Improvement

Application Notice for New Awards Under the Educational Research Grant Program for Fiscal Year 1987

Programmatic and Fiscal Information

The Secretary of Education announces a competition, under the Educational Research Grant Program, for educational research grants in reading and literacy. The purpose of the awards is to support studies that will further our knowledge about the acquisition and development of the skills necessary to help us become a more literate American society. This competition is intended to yield research projects that will complement the work of the Reading Research and Education Center. The announcement for the research center competition is published elsewhere in this issue of the **Federal Register.**

A Notice of Proposed Rulemaking (NPRM) for the Educational Research Grant Program (ERGP) was published in the **Federal Register** on March 12, 1985 (50 FR 9970). From the broader priority "English literacy, including reading, writing, and language skills," section 700.12(a)(18) of the NPRM for the ERGP, the Secretary has chosen English literacy and, in particular, reading as absolute priorities for this grants competiton. Only applications proposed research projects on literacy and reading will be considered.

The Secretary particularly invites applications for funding for the following activities. However, as these are not required activities, applications that propose these activities will not be given competitive advantage over other applications that address the priorities, English literacy and reading, cited above.

1. *Literacy Research, Programs, and Practices:* syntheses and analyses of research and of activities pertaining to literacy. Purpose: to help define the "proficient reader," identify effective teaching practices, describe and examine obstacles to universal reading proficiency, and project literacy requirements for the future.

2. *Adult Literacy:* comparative analyses of how adults and children acquire literacy skills and investigations into the literacy needs of adults. Purpose: to provide insight into the ways in which adults can strengthen their literacy skills as well as to give direction for the improvement of adult learning programs.

3. *Reading Achievement of Students from Low Socio-economic Backgrounds:* investigations into the relationship between the reading achievement of children from the lower socio-economic backgrounds, particularly those in grades 2 through 6, and the degree to which these children may lack both specific literacy-related knowledge and other background knowledge that students from middle and upper socio-economic backgrounds are more apt to possess. Purpose: to suggest more effective ways to teach literacy-related skills to all students.

4. *Implementation of Current Research Knowledge of Reading and Literacy:* examinations of the degree to

which teachers use current research knowledge of reading and literacy and of the factors that prevent their doing so; investigations into the ways in which the use of current research knowledge affects reading achievement, particularly of students in the elementary grades who are from middle socio-economic backgrounds. Purpose: to suggest more effective teaching strategies and more effective methods of training teachers.

Public or private organizations, institutions, agencies, or individuals are eligible to apply for the research grants.

In accordance with section 700.10(b) of the NPRM for the ERGP, the Secretary has chosen to establish separate competitions for small and large grants. The maximum amount for a small grant is $50,000. An application requesting more than $50,000 in funding will be considered to be an application for a large grant. The Secretary anticipates making no award greater than $150,000.

The Secretary plans to award three (3) small grants and three (3) large grants. The Secretary suggest that an applicant who seeks funding for activities under invitational priority #1 (Literacy Research, Program, and Practices) apply for a small grant. An applicant who seeks funding for activities under invitational priorities #2, #3, and #4 (Adult Literacy; Reading Achievement of Students from Low Socio-economic Background; and Implementation of Current Research Knowledge of Reading and Literacy) should apply for a large grant.

The project periods will vary, from no more than twelve (12) months for small grants to up to three (3) years for large grants. The first year for both small and large grants will begin no earlier than February 1, 1987, with up to two (2) continuation years thereafter for large grants.

These estimates are based on anticipated Congressional appropriations and on the assumption that applications of satisfactory quality will be received. These estimates do not bind the U.S. Department of Education to a specific number of grants or to the amount of any grant, unless that amount is otherwise specificed by statute or regulations.

Closing Date for Transmittal of Applications

Applications for new awards must be mailed or hand-delivered on or before November 7, 1986.

Applications sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: CFDA No. 84.117, 400 Maryland Avenue SW., Washington, DC 20202.

Each late applicant will be notified that it application will not be considered.

Applications that are hand-delivered must be taken to the U.S. Department of Education, Application Control Center, Room 3633, Regional Office Building #3, 7th and D Streets SW., Washington, DC. The Application Control Center will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, DC, time) daily, except Saturday, Sundays, and Federal holidays.

Applicable Regulations

Regulations applicable to this program include the following:

(a) The regulations governing the Educational Research Grant Program, proposed to be codified in 34 CFR Part 700. The proposed regulations were published on March 12, 1985, at 50 FR 9970. If any substantive changes are made in the final regulations for this program, applicants will be given an opportunity to revise or resubmit their applications.

(b) The Education Department General Administration Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, and 78.

Application Forms

Application forms and program information packages are expected to be available by August 8, 1986. These may be obtained by writing to Educational Research Grant Program, Office of Educational Research and Improvement, U.S. Department of Education, 555 New Jersey Avenue, NW., Washington, DC 20208.

Further Information

For further information, contact Eleanor Chiogioji, Office of Educational Resarch and Improvement, U.S. Department of Education, 555 New Jersey Avenue NW., Washington, DC 20208. Telephone (202) 254–5766.

(Catalog of Federal Domestic Assistance Number 84.117, Educational Research Grant Program

Authority: 20 U.S.C. 1221e (b) and (e).

Dated: April 17, 1986.

William J. Bennett,

Secretary of Education.

[FR Doc. 66–9004 Filed 4–21–86; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA C&E–86–30; OFP Case No. 51209–9309–20, 21–24]

Powerplant and Industrial Fuel Use; Gulf States Utilities Co.

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of Order Granting to Gulf States Utilities Company Exemption From the Prohibition of the Powerplant and Industrial Fuel Use Act of 1978, for its Louisiana Station, Baton Rouge, Louisiana, and a Rescission of a Prior Order Granting a Permanent Peakload Exemption for a Portion of That Facility.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby notice that it has granted a permanent cogeneration exemption from the prohibitions of Title II of the Powerplant and Industrial Use Act of 1978, 42 U.S.C. 8301 *et seq.* ("FUA" or "the Act"), to Gulf State Utilities Co. (GSU), Louisiana Station, Baton Rouge, Louisiana. The permanent cogeneration exemption permits the use of natural gas as the primary energy source for a 258 net megawatts (MW) combined cycle cogeneration facility designed to produce electricity and process steam at the Louisiana Station powerplant, Baton Rouge, Louisiana. The final exemption order and detailed information on the proceeding are provided in the **SUPPLEMENTARY INFORMATION** section, below.

DATE: The order shall take effect on June 23, 1986.

The proposed powerplant for which the petition was filed and which GSU is planning to construct is a cogeneration facility at the existing Louisiana Station powerplant in Baton Rouge, Louisiana. The facility will consist of two gas turbine electric generating units, each with an associated heat recovery steam generator (HRSG). The fuels for the gas turbine/HSRG units will be natural gas and process gas from the adjacent Exxon refinery/chemical plant complex. The units will provide electric energy and steam to the Exxon Complex. The cogeneration facility is referred to as the "Gas Turbine/HSRG Project."

One of the gas turbine units for the project will be an existing Westinghouse Model 501D5 gas turbine unit, which will be moved from its current location at GSU's Roy S. Nelson Station in Westlake, Calcasieu Parish, Louisiana. This turbine was installed in 1982 as a new peakload powerplant and was

granted a Permanent Peakload Exemption under the Fuel Use Act (Docket No. ERA–FC–80–043; ERA Case No. 51209–1393–27–22). At this time, the second turbine unit has not been selected but is expected to be similar in size and configuration. The Gas Turbine/HSRG Project will generate up to 258 megawatts (MW) of electric power (two units, each generating 129 MW) and up to 1,200,000 lb/hr of steam for use at the Exxon Baton Rouge Complex.

The petition for exemption was filed with a request that ERA, pursuant to 10 CFR 501.100 et seq., rescind a permanent peakload exemption granted by ERA to GSU on May 18, 1981, applicable to their Roy S. Nelson Station in Westlake, Louisiana. GSU's request for rescission was contingent upon the granting by ERA of the permanent exemption for its Louisiana Station pursuant to 10 CFR § 503.32.

The public file containing a copy of the order, other documents, and supporting materials on this proceeding is available upon request through DOE, Freedom of Information Reading Room, 1000 Independents Avenue, SW, Room 1E–190, Washington, DC 20585, Monday through Friday, 9:00 a.m. to 4:00 p.m., except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

George G. Blackmore, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, SW., Room GA–045, Washington, DC 20585, Telephone (202) 252–1774

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: On January 14, 1986, GSU petitioned ERA under section 212(c) of FUA and 10 CFR 503.37 for a permanent cogeneration exemption to permit the use of natural gas in a 258 MW (net) combined cycle cogeneration facility.

Basis for Permanent Exemption Order

The permanent exemption order is based upon evidence in the record including GSU's certification to ERA, in accordance with 10 CFR 503.37(a)(1), that:

1. The oil or natural gas to be consumed by the cogeneration facility will be less than that which would otherwise be consumed in the absence of such cogeneration facility, in accordance with 10 CFR 503.37(a)(1)(i); and

2. The use of a mixture of natural gas and coal or oil and coal in the cogeneration facility, will not be technically feasible, in accordance with 10 CFR 503.37(a)(1)(ii).

Procedural Requirements

In accordance with the procedural requirements of section 701(c) of FUA and 10 CFR 503.3(b), ERA published its Notice of Acceptance of Petition and Availability of Certification in the Federal Register on February 28, 1986, (51 FR 7108), commencing a 45-day public comment period.

A copy of the petition was provided to the Environmental Protection Agency for comments as required by section 701(f) of the Act. During the comment period, interested persons were afforded an opportunity to request a public hearing. The comment period closed on April 14, 1986; no comments were received and no hearing was requested.

NEPA Compliance

After review of the petitioner's environmental impact analysis, together with other relevant information, ERA has determined that the granting of the requested exemption does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act (NEPA).

Order Granting Permanent Cogeneration Exemption

Based upon the entire record of this proceeding, ERA has determined that GSU has satisfied the eligibility requirements for the requested permanent cogeneration exemption, as set forth in 10 CFR 503.37. Therefore, pursuant to section 212(c) of FUA, ERA hereby grants a permanent cogeneration exemption to GSU to permit the use of natural gas as the primary energy source for its cogeneration facility at its Louisiana Station, Baton Rouge, Louisiana.

Rescission request

ERA hereby grants GSU's request for Rescission of a Permanent Peakload Exemption applicable to GSU's Roy S. Nelson Station Unit 7. GSU's request for rescission was based on its determination that significantly changed circumstances as defined in 10 CFR 501.102(b) exist with respect to the applicability of the peakload exemption to GSU. Accordingly, pursuant to 10 CFR 501.101(f), GSU submitted documentation supporting its Request for Rescission.

The Rescission Order is to take effect when physical disassembly is begun on Nelson Unit 7 to prepare it for movement to Louisiana Station. ERA feels that this is necessary to protect GSU's right to operate this unit in the event plans for the Louisiana Station project change unexpectedly.

Pursuant to section 702(c) of the Act and 10 CFR 501.69, any person aggrieved by this order may petition for judicial review thereof at any time before the 60th day following the publication of this order in the Federal Register.

Issued in Washington, DC, on April 15, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86–8997 Filed 4–21–86; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

Hydroelectric Application Filed With the Commission

April 18, 1986.

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection:

a. Type of Application: Amendment of License.

b. Project No.: 6058–002.

c. Date Filed: February 19, 1986.

d. Applicant: Hydro Development Group Inc.

e. Name of Project: Hailesboro No. 4.

f. Location: Oswegatchie River, St. Lawrence County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. John T. Bedard, Vice President, Hydro Development Group, Inc., P.O. Box 58, Dexter, NY 13634, (315) 639–6700.

i. Comment Date: May 22, 1986.

j. Description of Amendment: Hydro Development Group Inc., the licensee for the Hailesboro No. 4 project, proposes to amend the license by (1) changing the project description (Exhibit A) to reflect the seasonal use of 22-inch-high flashboards on Dam #1 and 24-inch-high flashboards on Dam #2; (2) changing the environmental exhibit (Exhibit E) to describe the use and impact of flashboards; and (3) changing the project drawings (Exhibit F) to show the flashboards.

The licensee states that the flashboards have been used for at least the past nine years and that the flashboard description was inadvertently omitted when the application for license was made. The

licenseee further states that the flashboard design has been modified from earlier practice in response to flooding that occurred in December, 1984, and January, 1985.

k. This notice also consists of the following standard paragraphs: B,C, and D2.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "Comments", "Notice of Intent To File Competing Application", "Competing Application", "Protest" or "Motion to Intervene", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Mr. Fred E. Springer, Director, Division of Project Management, Federal Energy Regulatory Commission, Room 203–RB, at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. *Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–8919 Filed 4–21–86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA85–4–001]

Apache Powder Co.; Petition for Exemption and Interim Relief

Issued: April 16, 1986.

On March 13, 1986, Apache Powder Company (Apache) filed a peition pursuant to section 206(d) of the Natural Gas Policy Act of 1978 (NGPA) [1] and § 282.206(b) of the Federal Energy Regulatory Commission's regulations,[2] for interim and temporary relief from the Commission's incremental pricing regulations issued under Title II of the NGPA.[3] Apache was previously granted temporary relief from incremental pricing surcharges on the basis of severe hardship for the nonexempt use of gas at its industrial chemicals and explosives manufacturing facility near Benson, Arizona, for a period of twelve months, terminating with the March 1986 billing period.[4] In its instant petition, Apache seeks continuance of the temporary relief previously granted for an additional twelve months, and interim relief pending the Commission's action on its request.

In support of its petition, Apache cites a severe and continuing depression in a major market for its explosives, the domestic copper mining industry, as well as in other mining industries for which Apache is a supplier. It further states that economic problems in Mexico have "shut off" its market for mining products there, that lower oil prices have adversely affected its sales to oil exploration firms, and that the market for its agricultural fertilizer is also depressed. Apache states that these factors have prevented its financial performance from improving significantly during 1985, even though it had undertaken a number of cost and efficiency improvement measures.

The procedures applicable to the conduct of this proceeding are set forth in Subpart K of the Commission's Rules of Practice and Procedure.[5] Any person desiring to participate in this proceeding must file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene in accordance with Subpart K within 15 days after publication of this notice in the **Federal Register**.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–8914 Filed 4–21–86; 8:45 am]

BILLING CODE 6717-01-M

[1] 15 U.S.C. 3346(d) (1982).
[2] 18 CFR 282.206(b) (1985).
[3] 15 U.S.C. 3341–3348 (1982).
[4] 31 FERC ¶ 62,006 (1985).
[5] CFR 385.1101–.1117 (1985).

[Docket No. RP86–52–002]

Kentucky West Virginia Gas Co.; Proposed Changes in FERC Gas Tariff

April 16, 1986.

Take notice that on April 10, 1986, Kentucky West Virginia Gas Company ("Kentucky West") tendered for filing proposed changes to the following tariff sheets of its FERC Gas Tariff First Revised Volume No. 1:

Substitute First Revised Sheet No. 6
  Superseding First Revised Sheet No. 6
Substitute First Revised Sheet No. 7
  Superseding First Revised Sheet No. 7
Substitute Ninth Revised Sheet No. 8
  Superseding Ninth Revised Sheet No. 8
Substitute Thirty-Fifth Revised Sheet No. 27
  Superseding Thirty-Fifth Revised Sheet No. 27
Substitute Thirty-Sixth Revised Sheet No. 27
  Superseding Thirty-Sixth Revised Sheet No. 27 (Tariff sheet reflected in Kentucky West's PGA filing for rates effective May 1, 1986)
Substitute Eighteenth Revised Sheet No. 27A
  Superseding Eighteenth Revised Sheet No. 27A

The proposed changes are filed in compliance with ordering paragraph (C) of the Commission's order issued March 28, 1986, in the referenced proceeding.

Kentucky West Further states that copies of its filing have been served upon each of its customers and the Public Service Commissions of Kentucky, Pennsylvania and West Virginia.

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 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before April 23, 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. 86–8916 Filed 4–21–86; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 8511-000]

Seaward Development-Red Rock Associates; Availablity of Environmental Assessment and Finding of No. Significant Impact

April 15, 1986.

In accordance with the National Environmental Policy Act of 1969, the Office of Hydropower Licensing, Federal Energy Regulatory Commission (Commission), has reviewed the applications for major and minor licenses (or exemptions) listed below and has assessed the environmental impacts of the proposed developments.

LICENSEES

Project No.	Project name	State	Water body	Nearest town	Applicant
8511-000	Red Rock Hydro-electric	IA	Des Moines River	Marion County	Seaward Development-Red Rock Associates.

Environmental assessments (EA's) were prepared for the above proposed projects. Based on independent analyses of the above actions as set forth in the EA's, the Commission's staff concludes that these projects would not have significant effects on the quality of the human environment. Therefore, environmental impact statements for these projects will not be prepared. Copies of the EA's are available for review in the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NW., Washington, DC 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-8917 Filed 4-21-86 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6278-003]

Town of Grafton, MA; Surrender of Exemption

April 10, 1986.

Take notice that the Town of Grafton, Massachusetts, Exemptee for the proposed Lake Ripple Project No. 6278, requested by letter dated March 19, 1986, that its exemption be terminated. The exemption was issued on October 8, 1982. The project would be located on the Quinsigamond River in Worcester County, Massachusetts.

The Exemptee filed the request on March 24, 1986, and the exemption for Project No. 6278 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday, or holiday as described in 18 CFR 385.2007, in which case the exemption shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-8915 Filed 4-21-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER86-300-000 and ER84-571-001]

Utah Power and Light Co.; Order Accepting for Filing and Suspending Rates, Noting Intervention, Granting Waiver of Notice Requirement, Establishing Hearing Procedures, and Consolidating Dockets

Issued: April 15, 1986.

Electric Rates: Suspension; Waiver of Notice, Consolidation; Change in Rate.

Before Commissioners: Anthony G. Sousa, Acting Chairman; Charles G. Stalon, Charles A. Trabandt and C. M. Naeve.

On February 14, 1986, Utah Power and Light Company (UP&L) tendered for filing three agreements: the Bonanza Wheeling Agreement, the Mona Substation Agreement, and the Bonanza Interconnection Agreement.[1] These agreements would amend the existing wheeling arrangements between UP&L and the Deseret Generation and Transmission Cooperative (Deseret) to account for the entitlements of Deseret in the Bonanza Power Project and the Intermountain Power Project. The agreements would also revise the billing and scheduling procedures for all Deseret resources wheeled by UP&L to: (1) schedule and bill for power separately for each of the twenty-seven Deseret delivery points instead of as if the power were delivered to a single delivery point, as is now the case; and (2) consider power to be delivered first from the Hunter II generating station, second from Bonanza, third from Intermountain, and fourth from Western Area Power Administration. UP&L requested waiver of the 60-day notice requirement in order to allow the proposed rate schedule changes to become effective as of the date on which they are accepted for filing.[2]

Notice of UP&L's filing was published in the **Federal Register**,[3] with comments due on or before March 10, 1986. The Intermountain Consumer Power Association, Deseret Generation & Transmission Cooperative, and Utah Associated Municipal Power System (referred to jointly as "Deseret") jointly filed a timely motion to intervene. Deseret requests that the filing be suspended for one day and that a hearing be ordered to permit it to file evidence in support of its position. It requests that the Agreements be made effective coincident with the dates on which service began or begins under them.[4] Deseret states that UP&L does not object to these effective dates. Deseret also requests consolidation of this docket with UP&L's pending wheeling rate case in Docket No. ER84-571-001. In support of its request for suspension, Deseret raises a number of specific objections.[5]

On March 10, 1986, UP&L filed an answer. While not opposing the motion to intervene, the request for consolidation, the request for expedited consideration, or the requested effective dates, UP&L disputes Deseret's substantive allegations.

Discussion

Under Rule 214 of the Commission's Rules of Practice and Procedure,[6] the timely, unopposed motion to intervene serves to make Deseret a party to this proceeding.

We note initially that UP&L has characterized its submittal as an initial rate schedule filing. However, it is

[1] *See* Attachment for rate schedule designations.

[2] As discussed below, UP&L has evidently agreed to make the proposed changes effective as of the dates on which service began or begins under each Agreement.

[3] 51 FR 7,320 (March 3, 1986).

[4] Deseret said that service has already begun under the Bonanza Interconnection Agreement.

[5] The issues raised include: (1) Allegations that UP&L forced Deseret to sign the Bonanza Interconnection Agreement under duress; (2) arguments that the terms of the Bonanza Interconnection Agreement are unjust and unreasonable because of the point-by-point scheduling and the order in which power from the different generating plants is considered to be delivered; and (3) arguments that the rate under the Bonanza Wheeling Agreement is based on an excessive return on equity, includes an improper cash working capital allowance, allocates general plant improperly, and should not be on a "Postage-stamp" basis.

[6] 18 CFR 385.214.

clearly a rate schedule change inasmuch as it would provide for additional transmission service and would supplement or amend contracts already on file. 18 CFR 35.1(c).

Our preliminary examination of UP&L's submittal and the pleadings indicates that the submittal has 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 submittal for filing and suspend it as ordered below.

In *West Texas Utilities Company*, 18 FERC ¶ 61,189 (1982), we explained that, where our preliminary review indicates that proposed rates may be unjust and unreasonable, but not be substantially excessive as defined in *West Texas*, we would generally impose a nominal suspension. We also stated that a nominal suspension may be warranted when the customers specifically request such a suspension. 18 FERC ¶ 61,189 at 61,376 n.6. Here, Deseret supports UP&L's request for a waiver of notice and asks for only a one day suspension in order that the additional wheeling may be promptly available. Given this affirmative customer concurrence, we find that good cause exists to waive the notice requirements and to suspend the submittals for a nominal period. It is not clear from the pleadings exactly when service commenced or will commence under each of the three Agreements. Therefore, in order to ensure that the Agreements are available when they are needed, each Agreement shall become effective, subject to refund, on the earlier of (1) the date on which service under that Agreement commenced, or (2) the date of this order. UP&L shall inform the Commission as to when service commenced or commences under each Agreement.

We find that common questions of law and fact may be presented in Docket Nos. ER86-300 and ER84-571. As a result, we shall consolidate these proceedings for purposes of hearing and decision.

The Commission orders:

(A) UP&L's request for waiver of the notice requirements is hereby granted.

(B) UP&L's submittal is hereby accepted for filing and is suspended, with each Agreement to become effective, subject to refund, on the earlier of (1) the date on which service under that Agreement commenced, or (2) the date of this order. UP&L shall inform the Commission as to the dates when service commenced or commences under each Agreement within 15 days after (1) issuance of this order or (2) service begins under each Agreement.

(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 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 UP&L's submittal.

(D) Subdocket -000 in Docket No. ER86-300-000 is hereby terminated. The evidentiary hearing established herein is assigned Docket No. ER86-300-001.

(E) Docket No. ER86-300-001 is hereby consolidated with Docket No. ER84-571-001 for purposes of hearing and decision.

(F) The administrative law judge designated to preside in Docket No. ER84-571-001 shall determine procedures, including the submission of a case-in-chief by UP&L, best suited to accommodate consolidation of this docket with the pending proceeding.

(G) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

UTAH POWER AND LIGHT COMPANY

[Docket No. ER86-300-000]

Rate Schedule Designations

Designation	Description
(1) Supplement No. 2 to Service Agreement No. 18 under FERC Electric Tariff, Fourth Revised Volume No. 1.	Bonanza Transmission Agreement.
(2) Supplement No. 3 to Service Agreement No. 18 under FERC Electric Tariff, Fourth Revised Volume No. 1.	Preliminary Mona Substation Interconnection Agreement.
(3) Supplement No. 4 to Service Agreement No. 18 under FERC Electric Tariff, Fourth Revised Volume No. 1.	Bonanza Interconnection Agreement.

[FR Doc. 86-8918 Filed 4-21-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP86-406-000, et al.]

Natural Gas Certificate Filings; Transcontinental Gas Pipe Line Corporation, et al.

Take notice that the following filings have been made with the Commission:

1. Transcontinental Gas Pipe Line Corporation

[Docket No. CP86-406-000]

April 15, 1986.

Take notice that on March 28, 1986, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP86-406-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon partially certain service to Union Gas Company (Union), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that under a service agreement dated November 2, 1970, it presently renders natural gas service to Union under Rate Schedule CD-3 in the quantity of 19,560 dt equivalent per day, delivered at five separate points on Applicant's Leidy line in Pennsylvania. Applicant further states that due to the loss by Union of two large industrial loads on its system, Union has requested that effective January 1, 1986 its allocation of CD-3 gas from Applicant be reduced from 19,560 dt equivalent per day to 10,350 equivalent dt per day.

Applicant avers that such partial abandonment of service to Union would not result in the abandonment of any of Applicant's facilities presently in use.

Comment date: May 9, 1986, in accordance with Standard Paragraph F at the end of this notice.

2. Trunkline Gas Company

[Docket No. CP86-410-000]

April 16, 1986.

Take notice that on March 31, 1986, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP86-410-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of Transcontinental Gas Pipe Line Corporation (Transco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a transportation agreement between Applicant and Transco dated July 5, 1985, Applicant explains that it has agreed to transport up to 7,000 Mcf of gas per day on an interruptible basis on behalf of Transco.

It is explained that such gas is purchased by Transco from Arco, pursuant to an agreement dated November 25, 1985. Applicant states that Transco intends to use the gas to meet its system requirements. Applicant states it would receive volumes for Transco's account, utilizing its capacity in the system of Tarpon Transmission Company, at an existing point of receipt in Eugene Island Block 361, offshore Louisiana and would redeliver such volumes at an existing point of interconnection with Transco in Beauregard, Louisiana. Applicant states that Transco would pay a unit charge of 26 cents per Mcf of the proposed service. Applicant explains that the transportation charge is based on the applicable costs underlying its currently effective rates as established in Docket No. RP83-93-000.

Comment date: May 9, 1986, in accordance with Standard Paragraph F at the end of this notice.

3. Freeport Interstate Pipeline Company

[Docket No. CP86-420-000]

April 15, 1986.

Take notice that on April 8, 1986, Freeport Interstate Pipeline Company (Freeport Interstate), P.O. Box 61520, New Orleans, Louisiana 70161, filed in Docket No. CP86-420-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas in order to make a direct sale of 700 million Btu's of natural gas per day to Freeport Sulphur Company (Freeport Sulphur) and the acquisition and operation of line looping facilities for the transportation of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Freeport Interstate states that the natural gas would be used for emergency maintenance operations of Freeport Sulphur at its Caminada Mine, which is located in the Guld of Mexico, in the Federal domain, offshore of Grand Isle, Louisiana. Freeport Interstate further states that there is no other natural gas pipeline connection at the Caminada Mine and the subject direct sale is necessary to replace the emergency assignment and incidental transportation whcih Freeport Interstate is presently performing for the Caminada Mine pursuant to § 157.45 through 157.52 of the Commission's Regulations (18 CFR 157.45-157.52).

Freeport Interstate indicates that it would acquire the gas supply with which to make the proposed sale and incidental transportation from Louisiana Intrastate Gas Corporation (LIG) acting under authority of section 311(b) of the Natural Gas Policy Act (NGPA). Freeport Interstate further indicates that the sale price to Freeport Sulphur would consist of the LIG sale price under NGPA section 311(b); plus Freeport Interstate's transportation rate, as provided in its special rate schedule authorized in *Freeport Interstate Pipeline Company*, Docket No. CP85-874-000. January 17, 1985 (34 FERC ¶61,030); plus any assessed charge, of which there is none, assessed by Freeport Pipeline Company for transportation of the sale volumes, on behalf of Freeport Interstate, from the LIG point of sale to Freeport Interstate.

Freeport Interstate states that it proposes to acquire from Freeport Minerals Company (Freeport Minerals) and to operate a line which is 5⅝ inches in diameter and approximately 9 miles in length. Freeport Interstate further states that such line would be purchased at Freeport Minerals' original cost, less depreciation, which was estimated to be $85,585 as of February 28, 1986. Freeport Interstate indicates that the acquisition and operation of the looping line would increase the reliability of its natural gas service to the Caminada Mine.

Comment date: May 9, 1986, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR doc. 86-8991-Filed 4-21-86; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 8085-001, et al.]

Surrender of preliminary permits; Birch Power Company, Inc., et al.

Take notice that the following preliminary permits have been surrendered effective as described in Standard Paragraph I at the end of this notice.

1. Birch Power Company, Inc.

[Project No. 8085-001]

April 16, 1986.

Take notice that Birch Power Company, Inc., permittee for the proposed Grey's River Water Power Project No. 8085, has requested that its preliminary permit be terminated. The preliminary permit was issued on August 2, 1984, and would have expired on July 31, 1987. The project would have been located on Grey's River in Lincoln County, Wyoming. The permittee states that a preliminary permit study found that the project would not be economically feasible to develop at this time.

The permittee filed the request on March 17, 1986.

2. Lewis County Public Utility District No. 1

[Project No. 6013-001]

April 15, 1986.

Take notice that Lewis County Public Utility District No. 1, permittee for the Summit/Carlton Creeks Project No. 6013, has requested that its preliminary permit be terminated. The preliminary permit for Projet No. 6013 was issued on February 3, 1986, and would have expired on January 31, 1989. The project would have been located on Summit and Carlton Creeks in Lewis County, Washington.

The permittee filed the request on March 28, 1986.

Standard Paragraphs:

I. The preliminary permit shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007 in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-8990 Filed 4-21-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. QF86-661-000, et al.]

Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc., FSC Paper Corporation, et al.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

Take notice that the following filings have been made with the Commission.

1. FSC Paper Corporation

[Docket No. QF86-661-000]

April 15, 1986.

On March 27, 1986, FSC Paper Corporation (Applicant), of 13101 South Pulaski Road, Alsip, Illinois 60658, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at Applicant's Alsip plant in Alsip, Illinois. The facility will consist of a combustion turbine generator with a supplementary-fired waste heat recovery boiler and necessary auxiliary equipment. The primary energy source will be natural gas. The maximum electric power production capacity of the facility will be 10 MW. The process steam will be utilized at Applicant's paper plant.

2. Chevron U.S.A., Inc.

[Docket No. QF86-662-000]

April 16, 1986.

On March 31, 1986, Chevron U.S.A., Inc. (Applicant), of P.O. Box 1392, Bakersfield, California 93302, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located two miles west northwest of Coalinga, Califonia. The facility will consist of two topping cycle units, each consisting of a gas turbine-driven 2,400 kilowatt electric generator and a 55,000 lb/hr waste heat recovery steam generator. The steam is injected for tertiary petroleum production. The primary energy source will be natural gas. Construction of the facility was scheduled to begin in the first quarter of 1986.

3. Pacific Lighting Energy Systems

[Docket No. QF86-666-000]

April 16, 1986.

On April 4, 1986, Pacific Lighting Energy Systems (Applicant), of 6055 East Washington Boulevard, Suite 600, City of Commerce, California 90040, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The facility will be located at Casa Diablo, Mammoth Lakes, California. The primary energy source will be geothermal resources. The electric power production capacity will be 15,000 kilowatts. No use of natural gas, oil, or coal is planned in this facility.

Standard Paragraphs

E. 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 or protests should be filed on or before the comment date. 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. 86-8989 Filed 4-21-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RM85-1-000 (Parts A-D)]

Order Granting Requests for Clarification

Issued: April 15, 1986.

Before Commissioners: Anthony G. Sousa, Acting Chairman; Charles G. Stalon, Charles A. Trabandt and C.M. Naeve.

Regulation of Natural Gas Pipelines after partial wellhead decontrol (Monterey Pipeline Co.) (Rosewood Resources, Inc.)

On March 25, 1986, Monterey Pipeline Company (Monterey) and Rosewood Resources, Inc. (Rosewood) each filed a request for clarification of § 284.125 of the regulations adopted in Order No. 436.[1] Monterey and Rosewood outlined the same facts and circumstances in their respective petitions. We are granting their requests.

On November 16, 1984, Monterey, an intrastate pipeline, entered into a transportation agreement with Columbia Gulf Transmission Company (Columbia) whereby Monterey agreed to transport gas on behalf of Columbia from Rosewood's E.A. Mouton No. 1 Well (Mouton well) under section 311(a)(2) of the Natural Gas Policy Act. Transportation pursuant to the agreement commenced on December 10, 1984. The transportation agreement is for an indefinite term.

In its petition, Rosewood states that the level of production from the Mouton well has been significantly reduced by production-related and drainage problems at the well location. As a result of these engineering problems, Rosewood must shut-in the Mouton well on April 15, 1986, the date on which state permits relating to the engineering problems expire.

On April 11, 1985, Rosewood began drilling the Edia H. Richard No. 1 Well (Richard well) as a replacement for the Mouton well, since it was known at that time that engineering problems existed at the Mouton well. Rosewood expended substantial funds on drilling expenses prior to October 9, 1985. The Richard well and the Mouton well are both located in the Marg Tex Reservoir A, Sand Unit B, West Ridge Field (Marg Tex Unit), in Lafayette Parish, Louisiana.

Monterey and Rosewood seek clarification that the transportation agreement between Monterey and Columbia can be amended to substitute the Richard well as the source of gas under the transitional provisions of Order No. 436.

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[1] 33 FERC ¶ 61,007 50 FR. 42408 (October 18, 1985).

The transportation service under the November 16 contract, upon commencement of delivery from the Richard well, will remain essentially unchanged. The gas will be transported between the same points of delivery and receipt at the same transportation rate and at the same maximum daily quantities (30,000 Mcf/day). Indeed, the only change contemplated by the parties will be that the gas will be produced from the Richard well at a location which will hopefully avoid the production-related problems encountered by the Mouton well. Additionally, under Louisiana state law, the Richard well will be subject to the same allowable applicable to the Mouton well prior to its being shut-in.

Substitution of the Richard well for the Mouton well is technical in nature [2] and would not affect the qualifying of the transportation under the transitional provisions of Order No. 436. Accordingly, we grant Monterey's and Rosewood's requests for clarification.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-8920 Filed 4-21-86; 8:45 am]

BILLING CODE 6717-01-M

Office of Energy Research

High Energy Physics Advisory Panel; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: High Energy Physics Advisory Panel (HEPAP).

Date and time: Thursday, May 15, 1986, 8:00 am-5:00 pm; Friday, May 16, 1986, 8:00 am-12:00 noon.

Place: Lawrence Berkeley Laboratory, Building 50A, Room 5132, Berkeley, CA 94720.

Contact: Dr. P.K. Williams, Executive Secretary, High Energy Physics Advisory Panel, U.S. Department of Energy, ER-221, Washington, DC 20545, Telephone: 301/353-4829.

Purpose of panel: To provide advice and guidance on a continuing basis with respect to the high energy physics research program.

Tentative Agenda

Thursday, May 15, 1986

—Discussion of the National Science Foundation/Elementary Particle Physics FY 1987 Budget Status
—Discussion of the Department of Energy/High Energy Physics FY 1987 Budget Status
—Discussion of the National Academy of Sciences Physics Survey Committee Report on High Energy Physics (Brinkman Report)
—Discussion of the Conceptual Design Report for the Superconducting Super Collider (SSC)
—HEPAP Review of the SSC Conceptual Design and R&D Program of the Central Design Group (CDG)
5—HEPAP Review of the High Energy Physics Program at Lawrence Berkeley Laboratory (LBL)
—Public Comment (10-minute rule)

Friday, May 16, 1986

—Discussion on International Collaboration
—Further Discussion on HEPAP Reviews of CDG and LBL/HEP Programs
—Public Comment (10-minute rule)

Public Participation

The meeting is open to the public. The Chairperson of the panel is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to make oral statements pertaining to agenda items should contact the Executive Secretary at the address or telephone number listed above. Requests must be received at least five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Minutes

Minutes are available for public review and copying at the Public Reading Room, Room 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on April 17, 1986.

J. Robert Franklin,

Deputy Advisory Committee Management Officer.

[FR Doc. 86-8996 Filed 4-17-86; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of implementation of special refund procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding to adversely affected parties $2,500 obtained as a result of a consent order which the DOE entered into with Reynolds Oil Company, a reseller-retailer of petroleum products located in Kremmling, Colorado. The money is being held in escrow following the settlement of enforcement proceedings brought by the DOE's Economic Regulatory Administration.

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-0164.

FOR FURTHER INFORMATION CONTACT: Walter J. Marullo, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252-6602.

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 issuance of the Proposed Decision and Order set out below. The Proposed Decision sets forth procedures and standards that the DOE has tentatively formulated to distribute to adversely affected parties $2,500 plus accrued interest obtained by the DOE under the terms of a consent order entered into with Reynolds Oil Company (Reynolds). The funds were provided to the DOE by Reynolds to settle all claims and disputes between the firm and the DOE regarding the manner in which the firm applied the federal price regulations with respect to its sales of motor gasoline during the period September 1, 1979, through November 30, 1979.

OHA proposes that a two-stage refund process be followed. In the first stage, OHA has tentatively determined that a portion of the consent order funds should be distributed to firms and individuals that made wholesale purchases of motor gasoline from Reynolds during the consent order

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[2] Regulation of Natural Gas Pipelines After Partial Wellhead Decontrol (Entrade Corporation) 33 FERC ¶ 61,376 (issued December 13, 1985). *Cf.* Regulation of Natural Gas Pipelines After Partial Wellhead Decontrol (Sohio Petroleum Company and Sohio Chemical Company, *et al.*) 33 FERC ¶ 61,443 (issued December 30, 1985), 51 FR. 440. (The addition of a well behind a central delivery point qualified under the transitional provisions of Order No. 436, where the transportation contract did not have to be amended to accommodate the change).

period. Subsequent repurchasers are also eligible to claim a portion of the escrow funds. In order to obtain a refund, each claimant will be required to submit a schedule of its monthly purchases of Reynolds motor gasoline during the consent order period. Since the consent order amount in this case is itself less than the small claims threshold, all applicants that were not spot purchasers will be presumed to have been injured by Reynolds' pricing practices. Applications for Refund should not be filed at this time. Appropriate public notice will be given when the submission of claims is authorized.

Some residual funds may remain after all meritorious first-stage claims have been satisfied. OHA invites interested parties to submit their views concerning alternative methods of distributing any remaining funds in a subsequent proceeding.

Any member of the public may submit written comments regarding the proposed refund procedures. Such parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice. All comments received in this proceeding will be available for public inspection between 1:00 and 5:00 p.m., Monday through Friday, except Federal holidays, in the Public Reference Room of the Office of Hearings and Appeals, located in Room 1E-234, 1000 Independence Avenue, SW., Washington, DC 20585.

Dated: April 15, 1986.

George B. Breznay,

Director, Office of Hearings and Appeals.

Proposed Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

April 15, 1986.

Name of Firm: Reynolds Oil Company.

Date of Filing: October 13, 1983.

Case Number: HEF-0164.

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request that the Office of Hearings and Appeals (OHA) formulate and implement special procedures to distribute funds received as a result of an enforcement proceeding in order to remedy the effects of actual or alleged violations of the DOE regulations. *See* 10 CFR Part 205, Subpart V. In accordance with the provisions of Subpart V, on October 13, 1983, ERA filed a Petition for the Implementation of Special Refund Procedures in connection with a consent order entered into with Reynolds Oil Company (Reynolds).

I. Background

Reynolds is a "reseller-retailer" of refined petroleum products as that term was defined in 10 CFR 212.31 and is located in Kremmling, Colorado. A DOE audit of Reynolds' records revealed possible violations of the Mandatory Petroleum Price Regulations. 10 CFR Part 212, Subpart F. The audit alleged that between September 1, 1979, and November 30, 1979, Reynolds committed possible pricing violations amounting to $7,961.38 with respect to its sales of motor gasoline.

In order to settle all claims and disputes between Reynolds and the DOE regarding the firm's sales of motor gasoline during the period covered by the audit, Reynolds and the DOE entered into a consent order on October 28, 1980. The consent order refers to ERA's allegations of overcharges, but notes that there was no finding that violations occurred. Additionally, the consent order states that Reynolds does not admit that it violated the regulations.

Under the terms of the consent order, Reynolds was required to directly refund $798.58, plus interest, to its retail customers.

In addition, as settlement of the alleged overcharges to its wholesale customers, the firm agreed to deposit $2,500 into an interest-bearing escrow account for ultimate distribution by the DOE. Reynolds remitted this sum to the DOE on January 16, 1981.[1]

II. Proposed Refund Procedures

The procedural regulations of the DOE set forth general guidelines to be used by OHA in formulating and implementing a plan of distribution for 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 DOE is unable to identify readily those persons who likely were injured by alleged overcharges or to ascertain readily the amount of such persons' injuries. For a more detailed discussion of Subpart V and the authority of OHA to fashion procedures to distribute refunds, *see Office of Enforcement*, 9 DOE ¶ 82,508 (1981), and *Office of Enforcement, 9*, DOE ¶ 82,508 (1981), and *Office of Enforcement*, 8 DOE ¶ 82,597 (1981) (*Vickers*).

Our experience with Subpart V cases leads us to believe that the distribution of refunds in this proceeding should take place in two stages. In the first stage, we will accept claims from wholesale puchasers of motor gasoline that may have been injured by Reynolds' pricing practices during the period September 1, 1979, through November 30, 1979. If any funds remain after all meritorious first-stage claims have been paid, they may be distributed in a second-stage proceeding. *See, e.g., Office of Special Counsel*, 10 DOE ¶ 85,048 (1982) (*Amoco*).

A. Refunds to Wholesale Purchasers

In the first stage of the Reynolds refund proceeding, we propose to distribute the funds currently in escrow to wholesale purchasers who demonstrate that they were injured by Reynolds' alleged overcharges. As we have done in many prior refund cases, we propose to utilize certain presumptions which will help to determine the extent of a purchaser's alleged injury.

The presumptions we plan to adopt are also used to permit claimants to participate in the refund process without incurring inordinate expenses and to enable OHA to consider the refund applications in the most efficient way possible in view of the limited resources available. First, we plan to adopt a presumption that the alleged overcharges were dispersed evenly in all of Reynolds' sales of motor gasoline made to wholesale customers during the consent order period. In the past, we have referred to a refund process that uses this presumption as a volumetric method. Second, we propose to adopt a presumption that claimants seeking small refunds ($5,000 or less) were injured by the alleged overcharges. Finally, we plan to adopt a presumption that spot purchasers were not injured by Reynolds' pricing practices.

The pro rata, or volumetric, refund presumption assumes that alleged overcharges by a consent order firm were spread equally over all gallons of product covered by the consent order. In the absence of better information, this assumption is sound because the DOE price regulations generally required a regulated firm to account for increased costs on a firm-wide basis in determining its prices. This presumption is rebuttable, however. A claimant which believes that it incurred a disproportionate share of the alleged overcharges may submit evidence proving this claim in order to receive a larger refund. *See, e.g., Sid Richardson Carbon and Gasoline Co. and Richardson Products Co./Siouxland Propane Co., 12 DOE ¶ 85,054 at 88,164 (1984), and cases cited therein.*

[1] The total value of the Reynolds escrow account stood at $4,373.11 as of March 31, 1986.

Under the volumetric method we plan to adopt, a claimant will be eligible to receive a refund equal to the number of gallons of Reynolds motor gasoline that it purchased during the consent order period times the volumetric factor. The volumetric factor is the average per gallon refund and in this case equals $0.015222 per gallon.[2] In addition, successful claimants will receive a proportionate share of the accrued interest.

The second presumption we plan to use is that purchasers of Reynolds motor gasoline seeking small refunds were injured by the firm's pricing practices. There are a variety of reasons for adopting this presumption. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 (1982). These firms were in the chain of distribution where the alleged overcharges occurred and therefore bore some impact of the alleged overcharges, at least initially. In order to support a specific claim of injury, a firm would have to compile and submit detailed factual information regarding the impact of alleged overcharges which took place many years ago. This procedure is generally time-consuming and expensive. With small claims, the cost to the firm of gathering the necessary information and the cost to OHA of analyzing it could exceed both the expected refund and the benefits from any additional precision. As a result, without simplified procedures injured parties could effectively be denied the opportunity to receive a refund.

Under the small-claims presumption, a claimant who is a reseller or retailer would not be required to submit any additional evidence of injury beyond volumes of Reynolds motor gasoline purchased if its refund claim is below a certain sum. Several factors determine the value of this threshold. For example, the cost to the applicant and the government of compiling and analyzing information sufficient to show injury should not exceed the amount of any relevant refund. As in previous cases, we are setting the threshold at $5,000. *See Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 at 88,210 (1984); *Office of Special Counsel*, 11 DOE ¶ 85,226 (1984) (*Conoco*), and cases cited therein. Since the consent order amount in this case is itself less than this sum, all applicants will be filing small claims.

If a reseller, or retailer made only spot purchases, we propose that it should not receive a refund since it is unlikely to have been injured. As we have previously stated with respect to spot purchasers:

> [T]hose customers tend to have considerable discretion in where and when to make purchases and would therefore not have made spot market purchases of [the firm's product] at increased prices unless they were able to pass through the full amount of [the firm's] quoted selling price at the time of purchase to their own customers.

Vickers, 8 DOE at 85,396–97. The same rationale applies in the present case. Therefore, we propose that firms which made only spot purchases of Reynolds motor gasoline not receive refunds unless they present evidence which rebuts the spot purchaser presumption and establishes the extent to which they were injured as a result of their purchases of Reynolds motor gasoline during the consent order period.

As in other cases, only claims for at least $15 will be processed. This minimum has been adopted in prior refund cases because the cost of processing claims for refunds of less than $15 outweighs the benefits of restitution in those situations. *See, e.g., Uban Oil Co.*, 9 DOE at 85,225. *See also* 10 CFR 205.286(b). The same principle applies here.

If valid claims exceed the funds available in the escrow account, all refunds will be reduced proportionately. Actual refunds will be determined after analyzing all appropriate claims.

B. Applications for Refund

Any wholesale purchaser claiming a portion of the consent order funds will be required to file an Application for Refund pursuant to 10 CFR 205.283. In its application, a claimant must include a schedule of its monthly purchases of Reynolds motor gasoline during the consent order period as well as all relevant information necessary to support its claim in accordance with the presumptions outlined above. A claimant must also state whether it has previously received a refund, from any source, with respect to the alleged overcharges underlying this proceeding. Each applicant must also state whether there has been a change in ownership of the firm since the audit period. If there has been a change in ownership, the applicant must provide the names and addresses of the other owners, and should either state the reasons why the refund should be paid to the applicant rather than to the other owners or provide a signed statement from the other owners indicating that they do not claim a refund. Finally, an applicant must report whether it is or has been involved as a party in DOE enforcement or private actions filed under section 210 of the Economic Stabilization Act. If these actions have been concluded the applicant should furnish a copy of any final order issued in the matter. If the action is still in progress, the applicant should briefly describe the action and its current status. The applicant must keep OHA informed of any change in status while its Application for Refund is pending. *See* 10 CFR 205.9(d).

C. Distribution of Remaining Consent Order Funds

In the event that money remains after all meritorious claims have been satisfied, residual funds could be distributed in a number of ways in a subsequent proceeding. However, we will not be in a position to decide what should be done with any remaining funds until the initial stage of this refund proceeding has been completed. We encourage the submission by interested parties of proposals which address alternative methods of distributing any remaining funds.

It is Therefore Ordered That:

The refund amount remitted to the Department of Energy by Reynolds Oil Company pursuant to the Consent Order executed on October 28, 1980, will be distributed in accordance with the foregoing decision.

[FR Doc. 86–8994 Filed 4–21–86; 8:45 am]
BILLING CODE 6450–01–M

[2] This figure is computed by dividing the $2,500 received from Reynolds by the 164,232 gallons of motor gasoline sold by the firm to its wholesale customers during the consent order period.

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of implementation of special refund procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces the procedures for filing Applications for Refund from a fund of $1,800,000 obtained from GCO Minerals Company in settlement of enforcement proceedings brought by DOE's Economic Regulatory Administration.

DATE AND ADDRESS: Applications for refund must be filed by July 21, 1986, should conspicuously display a reference to case number HEF–0570, and should be addressed to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585.

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(c) of the

procedural regulations of the Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the Decision and Order set out below. The Decision and Order establishes procedures to distribute funds obtained as a result of settlement between GCO Minerals Company and DOE. The Consent Order entered in the case settled all disputes between DOE and GCO Minerals Company concerning possible violations of DOE price regulations with respect to the firm's sales of petroleum products to its customers, and possible violations of the regulations governing the Crude Oil Entitlements program, during the period August 1973 through June 1979.

Any members of the public who believe that they are entitled to a refund in this proceeding may file Applications for Refund. All Applications should be filed by July 21, 1986, and should be sent to the address set forth at the beginning of this notice. Applications for refunds must be filed in duplicate and these applications will be made available for public inspection between the hours of 1:00 and 5:00 p.m, Monday through Friday, except Federal holidays, in the Public Reference Room of the Office of Hearings and Appeals, located in Room 1E-234, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Dated: April 15, 1986.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

April 15, 1986.

Name of Firm: GCO Minerals Company.

Date of Filing: March 11, 1985.

Case Number: HEF-0570.

On March 11, 1985, the Economic Regulatory Administration (ERA) filed a Petition for the Implementation of Special Refund Procedures with the Office of Hearings and Appeals (OHA) pursuant to the procedural regulations of the Department of Energy (DOE), 10 CFR Part 205, Subpart V. The petition requests that the OHA formulate and implement procedures for distributing funds obtained pursuant to a consent order entered into with GCO Minerals Company to remedy the effects of alleged violations of DOE regulations.

I. Background

GCO Minerals Company (GCO), formerly known as General Crude Oil Company, was a gas plant owner and operator within the meaning of 10 CFR 212.162, and a refiner as defined in 10 CFR 212.31. The Company was a subsidiary of International Paper during the period covered by the consent order. GCO sold various covered products, including crude oil, condensate, natural gas liquids, (NGLs), and natural gas liquid products (NGLPs); therefore it was subject to the Mandatory Petroleum Price and Allocation regulations set forth in 6 CFR Part 150 and 10 CFR Part 212.[1] Those regulations, in effect from August 19, 1973 until January 27, 1981, governed prices charged in first sales of crude oil, including condensate, by defining ceiling prices for various tier classifications of crude oil.[2] They also governed the pricing of refined petroleum products, including NGLs and NGLPs. *See* 10 CFR Part 212, Subparts E and K.

A DOE audit of GCO's records revealed possible regulatory violations with respect to the firm's pricing of NGLs, NGLPs, and condensate during the period August 19, 1973 through June 30, 1979 (hereinafter referred to as the consent order period). The audit disclosed the possibility that condensate prices at two of GCO's plants exceeded the old/lower tier prices and were not justified based on base production control level computations.[3] The alleged NGL/NGLP overcharges related to GCO's calculation and reporting of increased costs and its calculation of allowable cost recoveries. *See id.*

In order to settle all claims and disputes between GCO and the DOE regarding the firm's compliance with the regulations; the two parties entered into a consent order on June 7, 1984. Pursuant to the consent order, GCO remitted $1,800,000 to the DOE on November 26, 1984. These funds have been held in an interest-bearing escrow account pending a determination by the OHA of their final distribution. This Decision concerns the distribution of those funds, which totaled $1,999,511.34, including interest, as of February 28, 1986.

On June 13, 1985, we issued a Proposed Decision and Order which set forth a tentative plan for distributing the GCO settlement funds. *See* 50 FR 25771 (June 21, 1985). In the Proposed Decision, we described a two-stage process for disbursing refunds. Specifically, we proposed to destribute funds in the first stage to identifiable purchasers of GCO covered products who could demonstrate that they were injured by the firm's pricing practices during the consent order period. We further stated that if funds remain after these meritorious claims have been paid, a second-stage refund procedure may become necessary. *See generally Office of Special Counsel,* 10 DOE ¶ 85,048 (1982) (hereinafter cited as *Amoco*).

The purpose of this Decision and Order is to establish the final procedures to be used for filing and processing claims in the first stage of the GCO refund proceeding. This Decision sets forth the information that a purchaser of GCO products should submit in order to establish eligibility for a portion of the consent order fund. Because our determination concerning the final disposition of any remaining funds will necessarily depend on the size of the fund, we will not establish second-stage procedures in this Decision. *See Office of Enforcement,* 9 DOE ¶ 82,508 (1981) (hereinafter cited as *Coline*). Accordingly, it would be premature for us to address at this time issues raised by commenters concerning second-stage refunds.[4]

II. Jurisdiction

The Subpart V regulations set forth general guidelines by which the OHA may formulate and implement a plan to

[1] For the purposes of the mandatory petroleum price regulations, the term "crude oil" included condensate recovered by mechanical separation. 10 CFR 212.31. Thus, condensate was to be treated as crude oil under Subpart D of the price regulations, rather than as NGLs of NGLPs, which were treated under Subpart K of the price regulations. DOE Ruling 1975-16, 40 FR 55860 (December 2, 1975).

[2] The regulations generally required crude oil producers to determine the first sale price of crude oil on the basis of the level of production from a property during a specified base period, i.e., the base production control level (BPCL). *See* 6 CFR 150.354; 10 CFR 212.72 and 212.76. Crude oil production that did not exceed the BPCL for a particular property was generally subject to the lower tier ("old" oil) ceiling price rule. 6 CFR 150.354; 10 CFR 212.73. Crude oil production that exceeded the BPCL ("new" oil) could generally be sold without regard to the ceiling price rule prior to February 1, 1976, and at the upper tier ceiling price after that date. 6 CFR 150.354(c)(2); 10 CFR 212.74(a). In addition, during most of the price control period, crude oil produced from a "stripper well property" was exempt from price controls. 6 CFR 150.54(5); 10 CFR 212.54. A stripper well property was a property whose average daily production of crude oil did not exceed ten barrels per well. 10 CFR 210.32(b) and 212.54(c).

[3] In order for plant condensate to qualify for prices in excess of the old/lower tier price, the volumes were to be allocated on a proportional basis to the producing property and compared to the recorded BPCL. If condensate volumes exceeded the BPCL, new/upper tier prices were justified. Or, if the average daily production rate of an existing property was no more than 10 barrels a day, stripper oil prices were allowed. *See* note 2, *supra*, and accompanying text.

[4] We received comments from nine states in response to the Proposed Decision and Order, all concerning second-stage procedures. The commenters were the States of Arkansas, California, Delaware, Iowa, Louisiana, North Dakato, Rhode Island, Texas, and West Virginia.

distribute funds received as a result of an enforcement proceeding. The Subpart V process may be used in situations where the DOE is unable to identify readily the persons who may eligible to receive refunds or to ascertain readily the amounts that such persons should receive. 10 CFR 205.280. For a more detailed discussion of Subpart V and the OHA's authority to fashion procedures to distribute refunds, *see Coline* and *Office of Enforcement*, 8 DOE ¶ 82,597 (1981) (hereinafter cited as *Vickers*).

We have reviewed the record in the present case and have determined that a Subpart V proceeding is an appropriate mechanism for distributing the GCO consent order fund. We therefore grant the ERA's petition and assume jurisdiction over this fund.

III. Refund Procedures

The Proposed Decision noted that the GCO Consent Order resolves possible regulatory violations concerning all of GCO's products, including both crude oil and refined products. Therefore, we proposed to divide the consent order fund into separate crude oil and non-crude oil pools of refund monies. Accordingly, a pool of $864,000 has been set aside to satisfy claims filed by NGL and NGLP customers of GCO. In addition, a crude oil pool of $936,000 has been set aside and will be disposed of as discussed below.[5]

A. Crude Oil Claims

In the Proposed Decision, we proposed that the crude oil pool be set aside to satisfy claims filed by participants in the Crude Oil Entitlements Program and their downstream customers. We announced our intention to implement refund procedures for crude oil claims modeled on those outlined in *A. Johnson & Co.*, 12 DOE ¶ 85,102 (1984); *Office of Enforcement*, 9 DOE ¶ 82,521 (1982) (*Alkek*); and *Office of Enforcement*, 9 DOE ¶ 82,553 (9182) (*Adams*). Specifically, we proposed to require an applicant to demonstrate that it was injured by the alleged overcharges.

After the Proposed Decision was issued, we issued a report in the *Stripper Well* proceeding. *See 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), Fed. Energy Guidelines ¶ 90,507 (1985) (hereinafter cited as the OHA Stripper Well Report). Because of our findings in that case and subsequent developments in DOE's policy regarding refunds in crude oil overcharge cases, we have determined that it is appropriate to revise the refund procedures which we previously had proposed in this case.

Inder the Mandatory Petroleum Price Regulations, when a producer sold crude oil, it was required to certify in writing to the purchaser the respective volumes of crude oil belonging to each tier classification in each purchase. 10 CFR 212.31. When a refiner processed the crude oil, it was required to report these certifications to the DOE to enable the agency to administer the Crude Oil Entitlements Program, 10 CFR 211.67. To the extent that GCO miscertified old crude oil as new or stripper well crude oil, the impact of the violations was spread throughout the domestic refining industry by the operation of the Entitlements Program 10 CFR 211.67. *See, e.g., Union Oil Co. v. DOE*, 688 F.2d 797 (Temp. Emer. Ct. App. 1982), *cert. denied*. 459 U.S. 1202 (1983).

As a result of the findings in the OHA Stripper Well Report, the DOE issued a Statement of Restitutionary Policy for crude oil overcharge funds. 50 FR 27400 (July 2, 1985), Fed. Energy Guidelines ¶ 90,508 (1985). The policy statement announced that no claims for direct restitution would be accepted, and the Department would maintain such overcharge funds in escrow to afford the Congress the opportunity to select the means for distributing the funds.

In light of the DOE policy statement, we issued an order announcing that we intended to apply the policy in special refund proceedings involving overcharge funds attributable to Entitlements-period crude oil certification violations. 50 FR 27402 (July 2, 1985). After soliciting comments from potentially aggrieved parties regarding our application of the policy to pending refund proceedings, we stated in *Amber Refining, Inc.*, 13 DOE ¶ 85,217 (1985), that we will apply the DOE policy in all crude oil refund cases.

Accordingly, the crude oil portion of the funds obtained from CGO will be pooled with other crude oil consent order funds for distribution in accordance with department policies. *See* 50 FR 27402 (July 2, 1985); 50 Fed. Reg. 27400 (July 2, 1985); 50 FR 1919 (January 14, 1985).

B. Refunds to NGL and NGLP Purchasers

During the first stage of the refund process, the remainder of the GCO consent order funds, $864,000 plus accrued interest, will be distributed to GCO's NGL and NGLP customers who satisfactorily demonstrate that they were injured by CGO's alleged pricing violations. As we stated in the Proposed Decision, we do not have the names and addresses of all of the firm's customers.[6] However, from our experience we believe that the claimants in this proceeding will fall into the following categories: (1) Resellers and retailers of NGLs and NGLPs, (2) petroleum refiners who used NGLs and NGLPs as a fuel source or a blending stock, and (3) firms, individuals, or organizations who were consumers of those products (end-users). The refined petroleum products must have been purchased either directly from GCO or in a chain of distribution leading back to GCO.

As in many prior special refund cases, we will adopt certain presumptions and make certain findings which will permit claimants to participate in the refund process without incurring inordinate expense and will enable OHA to process the refund applications in the most efficient manner possible.[7]

We are adopting a presumption that the alleged overcharges were dispersed equally in all sales of products made by GCO during the consent order period and that refunds should therefore be made on a pro-rata or volumetric basis. In the absence of better information, this assumption is sound because the DOE price regulations generally required a regulated firm to account for increased costs on a firm-wide basis in determining its prices. However, we also recognize that the impact on an individual purchaser might have been greater. Therefore, any purchaser may file a refund application based on a claim that it suffered a disproportionate share of the alleged overcharges. *See, e.g., Standard Oil Company (Indiana)/ Army and Air Force Exchange Service*, 12 DOE ¶ 85,014 (1984).

Under the volumetric refund approach, a successful refund applicant will receive a refund equal to the total number of gallons purchased times the volumetric refund amount, plus a pro

[5] The amounts in each pool differ from those indicated in the Proposed Decision. Upon further analysis of the file in this case, we have concluded that a fairer and more equitable allocation of the consent order funds results by splitting the fund according to percentage of alleged overcharges, rather than according to percentage of total production *See, e.g.*, VGS Corp., 13 DOE ¶ 85,165 (1985); Bayou State Oil Corp., 12 DOE ¶ 85,197 (1985). *See generally*, Mobil Oil Corp., 13 DOE ¶ 85,339 (1985). In this case, 48% of the total dollar amount of the alleged overcharges concerned NGLs and NGLPs. The remaining 52% of the alleged overcharges concerned condensate. Notice of Proposed Consent Order, 49 Fed. Reg. 32786, 32787 (August 16, 1984)

[6] The Appendix to this Decision contains a list of GCO customers who were identified in the case file.

[7] The Subpart V regulations specifically authorize the use of presumptions in special refund proceedings. *See* 10 CFR Part 205, Subpart V.

rata share of accrued interest. The volumetric refund amount is calculated by dividing the amount of money in the NGL/NGLP pool by our estimate of the total gallonage of NGLs and NGLPs sold by GCO during the consent order period. This results in a volumetric refund amount of $.004729 ($864,000 divided by 182,697,290 gallons). As of February 28, 1986, accrued interest increased the volumetric refund amount to $.005253.

1. Specific Application Requirements for Each Category of Refined Product Refund Applicant

a. *End-users.* In addition to the presumptions we are adopting in this proceeding, we are adopting our proposed finding that end-users or ultimate consumers whose businesses are unrelated to the petroleum industry were injured by the alleged overcharges settled by the GCO consent order. Unlike regulated firms in the petroleum industry, members of this group generally were not subject to price controls during the consent order period and were not required to keep records which justified selling price increases by reference to cost increases. For these reasons, an analysis of the impact of the increased cost of refined petroleum products on the final price of non-petroleum goods and services would be beyong the scope of a special refund proceeding. *See Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 (1984); *Office of Enforcement*, 10 DOE ¶ 85,072 (1983) (*PVM Oil Associates*). We have therefore concluded that end-users of GCO NGLPs need only document their purchase volumes from GCO in order to make a sufficient showing that they were injured by the alleged overcharges.

However, crude oil refiners who purchased NGLs or NGLPs that were consumed as fuel or as raw material in a refining process will not be considered to be "consumers" for this purpose. Rather, the exception from the requirement of a separate, detailed showing of injury for end-users or ultimate consumers wil be limited to those whose business operations were unrelated to the petroleum industry and whose prices were therefore not subject to the DOE regulatory scheme. A refund applicant who was subject to the DOE regulatory program will be required to provide a detailed demonstration of injury with respect to the purchase of NGLs and NGLPs of which it was an end-user. *See People's Energy Corp.*, 12 DOE ¶ 85,129 (1984).

b. *Regulated Firms or Cooperatives.* In addition, we are adopting the presumption that agricultural cooperatives and regulated firms, such as public utilities, that are required to pass on to their customers the benefit of any refund received will be exempted from the requirement that they make a detailed showing of injury. *See Office of Special Counsel*, 9 DOE ¶ 82,538 (1982) (*Tenneco*); *Tenneco Oil Company/ Farmland Industries, Inc.*, 9 DOE ¶ 82,597 (1982). Instead, those firms and cooperative groups should provide with their applications a full explanation of the manner in which refunds would be passed through to their customers and how the appropriate regulatory body or membership group will be advised of the applicant's receipt of refund money. We note, however, that a cooperative's sales of GCO products to non-members will be treated in the same manner as sales by other resellers.

c. *Refund Applications by Refiners, Resellers, and Retailers.*—(i) *Spot Purchasers.* If a claimant made only spot purchases, we believe that in most circumstances it shoud not receive a refund since it is unlikely to have experienced injury. Spot purchasers tend to have considerable discretion in where and when to make purchases and would therefore not have made spot market purchases of GCO products at increased prices unless they were able to pass through the full amount of the quoted selling price at the time of purchase to their own customers. *See Vickers*, 8 DOE at 85,396–97. Therefore, a firm which made only spot purchases from GCO will not receive a refund unless it presents evidence rebutting the spot purchaser presumption and establishes the extent to which it was injured as a result of its purchases of GCO products during the consent order period. *See Amoco*, 10 DOE at 88,200.

(ii) *Refiners, Resellers, Retailers, Seeking Refunds of $5,000 or less.* We are also adopting the presumption that purchasers of GCO NGLs or NGLPs seeking small refunds were injured by GCO's pricing practices. *See, e.g., Uban Oil Co.*, 9 DOE ¶82,541 (1982) (hereinafter cited as *Uban*). With small claims, the cost to the firm of gathering evidence of injury to support a refund claim could exceed the expected refund. Consequently, without simplified procedures, some injured parties would be effectively denied an opportunity to obtain a refund. Under the small-claims presumption, a claimant seeking a refund of $5,000 or less will not be required to submit any evidence of injury beyond establishing the volume of GCO products it purchased during the consent order period.[8] *See Texas Oil & Gas Corp.*, 12 DOE at 88,210; *Marion Corp.*, 12 DOE ¶85,014 (1984).

(iii) *Refiners, Resellers and Retailers Seeking Refunds greater than $5,000.* Unlike small-claims applicants, a reseller or retailer who claims a refund in excess of $5,000 will be required to establish that it was injured by the alleged overcharges. To make this showing, a reseller or retailer claimant will first be required to show that it maintained "banks" of unrecovered increased product costs in order to demonstrate that it did not subsequently recover those costs by increasing its prices. *See Ada, supra* note 8, 10 DOE at 88,125.

The maintenance of a bank will not, however, automatically establish injury. *See Coline Gasoline Corp./Petrolane, Inc.*, 12 DOE ¶85,029 (1984). In addition to showing it maintained banks, a claimant must show that it experienced a competitive disadvantage because GCO's prices were higher than the prevailing price for the same products in the market area. *See Texaco Oil & Gas Corp.; National Helium Corp./Atlantic Richfield Corp.*, 11 DOE ¶85,257 (1984).

IV. How To Apply for a Refund

Applications for refund will now be accepted from parties who purchased GCO NGLs or NGLPs during the consent order period, August 19, 1973 through June 30, 1979. In addition to the specific requirements outlined above, all refund applicants should furnish the information set forth below.

A. An application must be in writing, signed by the applicant, and specify that it pertains to the GCO Minerals Company Consent Order Fund, Case No. HEF–0570.

B. Each applicant should furnish its name, street or post office address, and its telephone number. If the applicant is a business firm, it should furnish all other names under which it operated during the period for which the claim is being filed.

C. Each applicant should specify how it used the product(s)—i.e., whether it was a refiner, reseller, retailer, or an end-user.

D. Each applicant should submit a schedule which shows the volumes of GCO NGLs and NGLPs purchased during each month for which the applicant is claiming a refund.

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[8] Claimants whose monthly purchases during the period for which a refund is claimed result in a volumetric refund of greater than $5,000 but who cannot establish that they did not pass through the price increases to their customers, or who limit their claims to the threshold amount, will be eligible for a refund of the $5,000 threshold amount without being required to submit additional evidence of injury. *See* Office of Enforcement, 10 DOE ¶85,029 at 88,122 (1982) (hereinafter cited as Ada); Vickers, 8 DOE at 85,396.

E. If an applicant purchased GCO products from a reseller, it must establish its basis for belief that the producers originated with GCO and identify the reseller from whom the product was purchased. Indirect purchasers who either fall within a class of applicant whose injury is presumed, or who can prove injury, may be eligible for a refund if the reseller of GCO products passed through the alleged GCO overcharges to its own customers.

F. The application for refund should contain the name, address, and telephone number of the person who prepared the application. If the preparer was someone other than the applicant, the applicant should furnish us with the name and telephone number of a contact person familiar with the facts set forth in the application who we may contact for additional information concerning the application. Unless otherwise specified, the refund check will be issued to the preparer.

G. If the applicant is affiliated or associated with GCO in any manner, it must so indicate and provide information explaining the nature of its relationship with GCO.

H. Each applicant should report whether it is or has been involved as a party in any DOE or private section 210 enforcement actions. If these actions have terminated, the applicant should furnish a copy of any final order issued in the matter. If the action is ongoing, the applicant should briefly describe the action and its current status. Of course, the applicant is under a continuing obligation to keep the OHA informed of any change in status during the pendency of its application for refund. *See* 10 CFR 205.9(d).

I. Each application must also include the following statement: I swear (or affirm) that the information submitted is true and accurate to the best of my knowledge and belief. *See* 10 CFR 205.283(c); 18 U.S.C. 1001.

J. All applications for refund must be filed in duplicate. A copy of each application will be available for public inspection in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, 1000 Independence Avenue SW., Washington, D.C. Any claimant whose application contains confidential information must so indicate on the first page of its application and submit two additional copies of its application from which the information which the applicant claims is confidential has been deleted, together with a statement specifying why any such information is believed to be privileged or confidential.

K. All applications should be sent to: GCO Minerals Company Consent Order Refund Proceeding, Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585.

L. Applications must be postmarked within 90 days after publication of this Decision and Order in the **Federal Register**. *See* 10 CFR 205.286. All applications for refund received within the time limit specified will be processed pursuant to 10 CFR 205.284 and the procedures set forth in this Decision and Order.

It Is Therefore Ordered That:

(1) Applications for Refunds from the fund remitted to the Department of Energy by GCO Minerals Company pursuant to the Consent Order executed on June 7, 1984 may now be filed.

(2) All applications must be filed no later than 90 days after publication of this Decision and Order in the **Federal Register**.

Dated: April 15, 1986.

George B. Breznay,

Director, Office of Hearings and Appeals.

Appendix—Identified GCO Customers

Arco
Conoco
Dow Chemical
Enterprise Products Company
Exxon
International Petroleum
Mapco
Marathon
Marion Company
Murphy Oil Co.
Petrolane Gas Service, Inc.
Shell
Skelly
Suburban Propane Gas Co.
Texas Petro Gas Co.
Wanda Petroleum

[FR Doc. 86-8995 Filed 4-21-86; 8:45 am]
BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3006-6]

Fuels and Fuel Additives; Reconsideration of Waiver Granted Under Section 211(f) of the Clean Air Act

AGENCY: Environmental Protection Agency.

ACTION: Reconsideration of Waiver.

SUMMARY: The Environmental Protection Agency (EPA) is granting a petition to reconsider a conditional waiver granted under section 211(f) of the Clean Air Act to E.I DuPont de Nemours and Company, Inc. (DuPont) on January 10, 1985. This reconsideration is based on EPA's analysis of relevant data and information in light of a petition for reconsideration by the Oxygenated Fuels Association (OFA) received on March 18, 1985.

DATE: Comments should be submitted on or before May 22, 1986.

ADDRESS: Copies of the non-confidential information relative to this waiver application and subsequent submissions are available for inspection in public docket EN-84-06 at the Central Docket Section (LE-131) of EPA, Gallery 1—West Tower, 401 M Street, SW., Washington, D.C. 20460, (202) 382-7548 between the hours of 8:00 a.m and 4:00 p.m. Any comments from interested parties should be addressed to this docket, with a copy forwarded to Richard G. Kozlowski, Director, Field Operations and Support Division (EN-397), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying materials in the docket.

FOR FURTHER INFORMATION CONTACT: Sylvia I. Correa, Attorney/Advisor, Field Operations and Support Division (EN-397F), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 382-2635.

SUPPLEMENTARY INFORMATION:

I. Background

Section 211(f)(1) of the Clean Air Act, 42 U.S.C. 7545(f)(1), states that effective March 31, 1977, it shall be unlawful for any manufacturer of any fuel or fuel additive to first introduce into commerce or to increase the concentration in use of any fuel or fuel additive for general use in light-duty motor vehicles manufactured after model year 1974 which is not substantially similar to any fuel or fuel additive utilized in the certification of any model year 1975, or subsequent model year, vehicle or engine under section 206 of the Act. Section 211(f)(4) of the Act, 42 U.S.C. 7545(f)(4), provides that the Administrator of EPA upon application of any manufacturer of any fuel or fuel additive may waive the prohibitions established under section 211(f)(1), if the Administrator determines that the applicant has established that such fuel or fuel additive or a specified concentration thereof, or the emission products of such fuel or additive or specified concentration thereof, will not cause or contribute to a failure of any emission control device or system (over the useful life of any vehicle in which such device or system is used) to achieve compliance by the vehicle with the emission standards with respect to which it has been certified pursuant to

section 206 of the Act. If the Administrator does not act to grant or deny an application within 180 days of receipt of the application, the waiver authorized by section 211(f)(4) shall be treated as granted.

DuPont submitted an application for a waiver fuel on July 16, 1984. A Federal Register notice was published August 9, 1984, acknowledging receipt of the application and soliciting comments. 49 FR 31947. On January 10, 1985, the Administrator granted the waiver, subject to certain conditions. A Federal Register notice of this decision was published on January 17, 1985. 50 FR 2615.

On March 18, 1985, OFA on behalf of its member companies filed timely petitions for reconsideration and for judicial review of the conditional waiver grant with the EPA and with the U.S. Court of Appeals for the District of Columbia Circuit, respectively. Subsequently, OFA also requested that EPA immediately stay a particular condition of the waiver—the Evaporative Index (EI) condition. Over the next several months, OFA and EPA discussed approaches to resolve the outstanding issues. On November 29, 1985, OFA petitioned the same Court of Appeals for a stay of the EI condition pending judicial review of the waiver decision.

On January 22, 1986, however, EPA and OFA filed a joint motion to defer further proceedings in the Court of Appeals for 120 days and OFA withdrew its motion for a stay of the EI condition pending review.

II. EPA's January 10, 1985 Decision

DuPont submitted an application to EPA requesting a waiver for the introduction into commerce of a gasoline-alcohol fuel consisting of a maximum of 3.7 weight percent fuel oxygen with a maximum of 5.0 percent by volume methanol and a minimum of 2.5 percent by volume cosolvent(s), with a proprietary corrosion inhibitor, or its equivalent, to be used in unleaded gasoline. The application specified that the blend would have to conform to American Society for Testing and Materials (ASTM) standard D439 for automotive gasoline volatility, including the June 1984 proposed revision.

At the time of the DuPont application, EPA had information concerning the relationship between evaporative emissions and fuel volatility. In evaluating DuPont's application in light of this information, the Agency concluded that control of volatility only to ASTM specifications appeared to provide insufficient control to assure that a methanol blend would not cause or contribute to excessive evaporative emissions. Moreover, evidence gathered in connection with the proposed revocation of the Petrocoal waiver tended to contradict DuPont's proposition that controlling volatility to ASTM specifications only would hold evaporative emissions to the levels obtained with conventional gasoline. *See* Proposed Revocation of Petrocoal waiver, 49 FR 11879 (March 28, 1984).

The Agency therefore believed that producing that blend in accordance with only the requirements specified by DuPont (ASTM specifications) would require a denial of the application since those specifications alone would not provide sufficient control of the volatility of the final fuel to warrant a finding that the fuel would not cause or contribute to failures of the evaporative emission standard.

However, in its application, DuPont had developed a tool to correlate the fuel volatility characteristics and the evaporative emissions of gasoline-alcohol fuels, the Evaporative Index,[1] which DuPont claimed would control the volatility of the blend so that its evaporative emissions levels would not be significantly different from those of commercial gasoline. Since the Agency believed that ASTM D439 would not adequately control evaporate emissions of the DuPont blend, the Administrator decided to grant the waiver on the condition that the finished fuel be blended to meet volatility specifications determined by the EI to ensure that the fuel would be no more volatile than the commercial gasoline it would displace from the market. The Administrator also placed limits on the maximum EI levels according to the ASTM schedule of seasonal and geographic volatility classes. 50 FR 2615; DuPont Decision Document at pp. 22–23.

Two other conditions were placed on the DuPont waiver. The first was the limitation that only DuPont's DGOI–100 corrosion inhibitor be used in the final fuel, with no allowance for an equivalent corrosion inhibitor. The second was the requirement that the methanol used in the blend meet a 99.85 percent purity level. 50 FR 2615.

As to the corrosion inhibitor formulation, although DuPont had requested the use of DGOI–100 or its equivalent in the waiver application, no information was provided to EPA by DuPont or any commenter on a procedure for determining equivalency. Given this lack of information, the agency had no recourse but to limit the corrosion inhibitor to that which had been tested by the applicant. Decision Document at pp. 25–26.

As to the specification for methanol purity, DuPont had stated in section XV of its application that the properties of the alcohols used could have important effects on the properties of the finished fuel. In response to queries from the Agency regarding the necessity to control the alcohols used in the blend, DuPont submitted the alcohol purity specifications referred to in the decision. Since alcohols meeting these specifications were used in the test fuel, the Agency had no basis for adopting less restrictive alcohol specifications, and thus adopted the specifications recommended by DuPont, Decision Document at page 30.

III. Discussion

A. OFA Petition

In its petition for administrative reconsideration of the DuPont waiver conditional grant, OFA sought removal of the EI condition as a volatility control. OFA argued that the removal of the EI limitation was essential to opening the market place to alcohol fuels. OFA asserted that the EI was unfair and discriminatory, since no other automotive fuel had to meet this stringent volatility control. Further, OFA believed that the EI condition placed the DuPont blend at a significant competitive disadvantage, so severe as to be tantamount to a denial of the waiver.

OFA argued that there is a limited "window" of opportunity for marketing DuPont blends as a result of EPA's lead phasedown regulations. OFA claimed that refiners were examining alternative octane enhancers to use in place of lead, and that refiners were, in general, already making decisions about how to replace the octane capability lost as a result of the lowered lead standard.

OFA also argued that ASTM specifications were sufficient to control volatility of the blend, reasoning that since ASTM included the basic control parameter for volatility, the Reid Vapor Pressure (RVP), the EI was unnecessary to control the vehicle's evaporative emissions.

OFA also claimed that EPA gave no weight to the difference in chemical reactivity of methanol blends. It claimed that methanol is significantly less reactive than gasoline, and thus would, even with equal total evaporative

[1] The Evaporative Index is defined by DuPont in Section X of its waiver application as: EI=0.85 RVP+0.14 (percent evaporated at 200° F)—0.32 (percent evaporated at 100° F); where RVP=Reid Vapor Pressure as measured by Annex A3 of ASTM's "Proposed Specification for Automotive Spark-Ignition Fuel" (Dry Method).

emissions, result in less environmental harm.

In addition, OFA claimed that the DuPont blend would reduce hydrocarbon (HC) tailpipe emissions by 10 to 25 percent and reduce carbon monoxide emissions by 25 to 40 percent compared to commercial gasoline. Thus, OFA argued that EPA should have given some weight to the claimed substantial reductions in tailpipe emissions from the DuPont blend. When both evaporative emissions and tailpipe emissions (particularly for open-loop, carbureted vehicles) are considered, OF claims the use of DuPont waiver fuels would produce significantly lower HC emissions than use of commercial gasoline.

Moreover, OFA claimed that the DuPont blend (without the EI condition) would be limited to a three percent share of the total gasoline market, and that such a small share would have little, if any, net effect on the environment. It is also OFA's position that there are no available data indicating the DuPont blend fuels would result in greater evaporative emissions than commercial fuels of equivalent volatility (as measured by ASTM D–439).

Finally, OFA argued that the EI is unusable. OFA asserted that the EI's reproducibility is poor. Moreover, according to OFA, the EI is an unsuitable manufacturing parameter because it cannot be reliably measured or controlled. The practical effect of this uncertainty, OFA argued, was that the refiner would have to produce a product with an RVP about 1.0 to 1.4 pounds per square inch (psi) less than allowed. This reduces the potential market for DuPont blends to between the tenth and 25th percentile of fuels in use, and a refiner would not produce a product serving such a minor fraction of the refinery market.

OFA also challenged two other conditions of the DuPont waiver—the requirement for use of the DuPont proprietary corrosion inhibitor (DGOI–100) and the alcohol purity specifications for methanol. As to the corrosion inhibitor, OFA argued that EPA should have established specific criteria for the demonstration of the equivalency of other corrosion inhibitors to DuPont's proprietary formulation.

With regard to the alcohol purity specifications, OFA argued that a level of 90 to 95 percent purity for methanol (which it claimed was the normal methanol specification for use as an automotive fuel) would be sufficient to meet the requirements of the Clean Air Act, rather than the 99.85 percent level specified in the waiver decision.

OFA also raised some legal issues regarding the requirements of section 211(f) of the Clean Air Act. It pointed out that EPA's regulations require that vehicles certified under the evaporative emission standard have to be tested with Indolene 97 (which meets the fuel specifications in the certification regulations). Thus, OFA asserted, there is no standard to violate when other fuels are used, and it is unnecessary to demonstrate that a vehicle can pass the emission test while using the waiver fuel. OFA's other legal argument was that section 211(f) was aimed only at those fuels or fuel additives that cause physical damage to emission control systems, such that the vehicle could not meet emission standards if subsequently retested using Indolene, and that those fuels that cause excess emissions in use without such damage are to be regulated only under section 211(c).

B. EPA's Decision to Reconsider

1. Basic Assumptions

At the time of the original decision, the Administrator had concluded that the DuPont blend would be approvable only if the average volatility of fuels sold under the waiver were equal to the average volatility of the fuels they displaced, with the measure of volatility defined so that equality of evaporative emissions was ensured. *See* DuPont Decision Document, pg. 15. In this manner, the DuPont fuel would not cause more vehicles to exceed the applicable emissions standard.

Since the DuPont waiver was granted on January 10, 1985, however, information has been obtained which has a bearing on at least two of the basic assumptions made by the Agency at that time. First, in order to determine the EI values, the Agency originally analyzed data from the 1981, 1982 and 1983 Motor Vehicle Manufacturers' Association (MVMA) surveys of summer grade gasoline. Data from the 1984 survey were not available for analysis. Recently, summer MVMA data have been obtained for both 1984 and 1985. On the basis of MVMA's 1984 and 1985 data, EPA has determined that the average RVP of in-use gasolines is very close to the ASTM maximum limits for RVP. For example, for Class C cities, the average RVP numbers for *all* in-use gasolines (as opposed to only that percentage that actually met ASTM standards, as used in the DuPont waiver decision) in 1984 was 10.9 psi. Preliminary analysis of the MVMA summer 1985 data indicates that the average RVP of all in-use gasolines for Class C cities is 11.3 psi (the ASTM RVP limit for this class is 11.5).

Since the upper limit set by ASTM is not very far above the mean or median volatility of gasolines now being marketed, the question is whether a removal of the EI, and substitution of ASTM D439 in its place, would cause more vehicles to exceed the applicable emission standards.

Second, EPA's November 1985 Study of Gasoline Volatility and Hydrocarbon Emissions from Motor Vehicles (Notice of Availability published November 21, 1985, 50 FR 48100) has generated questions regarding the theoretical basis for the EI as a tool for predicting evaporation emissions. This study considered RVP as possibly the single most important parameter in assessing evaporative emissions.

Moreover, previous gasoline-alcohol waivers approved by EPA contained ASTM limitations, rather than the more stringent EI. The Agency is now involved in preliminary proceedings under section 211(c), which may result in promulgation of more uniform volatility limitations for all fuel types, including ones which have been granted waivers under section 211(f)(4).

2. Other Issues Related to Reconsideration

In arguing for the removal of the EI, OFA asserted that even if there were higher total evaporative emissions with the DuPont blend, the net environmental impact was minimal because those evaporative increases were first, less photochemically reactive and thus less dangerous to the environment; second, set off by the 10 to 25 percent decreases in tailpipe hydrocarbon emissions; and third, unimportant because of the small market share it protected for the DuPont blend.

EPA agrees that the general assumption has been that methanol is relatively low in photochemical reactivity. However, the measured decrease in ractivity have been estimated from photochemical modeling projections and smog chamber experiments based on data from a single day. There are some indications that the reactivity of methanol may increase the second or third day. Further, the industry-wide test used, Flame Ionization Detector (FID), does not measure all of the methanol molecules present. Thus, any consideration given to the lower reactivity of methanol emissions would have to take into acount the errors associated with the FID test as well as the uncertainties of the second and third day measurements.

As to the decrease in hydrocarbon tailpipe emissions, although there is evidence to suggest that there is some

lowering of such emissions with blends, it is not clear that the reduction is as high as 10 to 25 percent. EPA's present estimate is that it would be a 3 percent reduction. Also, available data suggest that this reduction occurs primarily on cars built before 1981. Further, there is a question as to whether the Act allows EPA to grant a waiver if any standard (i.e., the evaporative HC standard) is violated, even if the net emissions of the pollutant are reduced.

OFA also argued that the market share of the blend would be only about three percent, and thus, that any environmental impact would be minimal. Such estimates are, of course, uncertain and EPA believes the share could be in excess of three percent, perhaps as much as six percent nationwide, (based on the share of other gasoline-alcohol blends presently sold). Further, because of current private restrictions on the pipeline shipment of alcohol-containing fuels and on the trading of such fuels, and because of the need for carefully prepared and supervised shipment and storage facilities, it is likely that a refiner or blender using the DuPont waiver would market in a narrow geographic area. If so, localized market shares could go well above the three percent envisioned by OFA. Finally, there is a question as to whether the Act allows EPA to grant a waiver that would cause violations of a standard even if the number of vehicles affected were small.

With regard to the other two conditions of the DuPont waiver challenged by OFA, the corrosion inhibitor formulation and the alcohol purity specifications, EPA has the following observations.

OFA's position regarding the alcohol purity specifications was that a 99.85 percent level of purity for the methanol was unnecessary to assure that the requirements of section 211(f) were met. OFA argued that the normal methanol specification for use as an automotive fuel was a 90 to 95 percent purity level, and pointed out that the 90 to 95 purity level was deemed adequate for the cosolvents. EPA requests additional information on this subject. Specifically, EPA requests information on whether, in light of DuPont's reliance on highly purified methanol in its test fuel, a lower purity level would affect the emissions product of the final fuel.

As to the corrosion inhibitor formulation, OFA sought the creation of a procedure by which the equivalency of other corrosion inhibitors could be established. As stated in the January 10, 1985 DuPont decision document, EPA agrees that the arguments for the use of other such formulations have merit. *See* DuPont Decision Document, p. 25. However, the Agency is unaware of a methodology for establishing such equivalency, but would welcome information as to how to establish such a methodology.

IV. Today's Action

Although EPA believes that the original DuPont waiver decision was correct based on the record existing at that time, for the reasons discussed in Part III above, the Agency is granting OFA's administrative petition for reconsideration of the waiver. The issues that have been raised, and which the Agency is today requesting comments on, are as follows:

1. Whether the EI should be adjusted or removed to respond to the rise in gasoline volatility since the original waiver grant. That is, is the EI still necessary or appropriate (vs. ASTM) given:

–The rise in volatility causing the difference between EI and ASTM to be greatly reduced;
—EPA's preliminary actions under section 211(c) which ultimately may deal with the volatility issue across the board;
—Questions raised by EPA's volatility study.

2. The prospective usage of the DuPont blend.

3. The environmental impact of using the waiver blend without an EI, including the issues raised by OFA regarding the emissions factor of the blend, such as:

—Lowered tailpipe hydrocarbon emissions,
—Lowered photochemical reactivity of methanol emissions.

4. Whether the specifications for methanol purity should be modified.

5. Whether an allowance should be provided for the demonstration of equivalency of other corrosion inhibitor formulations to DuPont's DGOI–100. If such allowance is made, should material testing alone (without vehicle mileage accumulation tests) suffice.

All information received pursuant to this notice will be placed in the docket.

Because there are still open quesions on the issues described above, however, I have decided to deny OFA's request for an immediate stay of the EI condition. In any event, I believe it would be inappropriate under the circumstances of this case to stay that condition without prior public participation.

In taking these actions, I have concluded that the decision of the District of Columbia Circuit Court of Appeals in the Petrocoal case—*American Methyl Corp.* v. *EPA*, 749 F.2d 826 (1984)—does not restrict my authority to reconsider the DuPont waiver under the present circumstances. In the *American Methyl* case, the court held that EPA did not have authority to reconsider or revoke the Petrocoal waiver under section 211(f) of the Act.[2] However, in that case EPA had not proposed revocation until several years after the waiver was granted and the fuel was already on the market, and after the waiver holder had invested substantial resources in developing and marketing the fuel. Moreover, the waiver applicant in that case vigorously opposed the proposed revocation.

The court apparently believed that Congress meant to protect the waiver holder's expectations and investments in such a situation by requiring EPA to regulate such a fuel in the same way it regulated other fuels already in the market—i.e., by rulemaking under section 211(c) of the Act.

In the present case, however, the changes OFA seeks and that EPA is considering would be beneficial to the parties most interested in producing DuPont fuel. Moreover, to the best of our knowledge, the fuel that would be permitted under the waiver has not yet been introduced into commerce, and neither the waiver holder, DuPont, nor any other interested party has invested in the marketing of this additive fuel. Indeed, the parties most interested in relying on the waiver, those represented by OFA, have urged EPA in a timely manner to reconsider the waiver. For these and similar reasons, I do not believe that the holding in *American Methyl* applies to facts such as these and, thus, does not limit my authority under section 211(f) in this case.

Dated: April 10, 1986

Lee M. Thomas

Administrator.

[FR Doc. 86–8958 Filed 4–21–86; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Routine Licensing of Large Networks of Small Antenna Earth Stations Operating in the 12/14 GHz Frequency Bands

AGENCY: Federal Communications Commission.

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[2] In a later opinion, the court itself vacated the Petrocoal waiver and remanded for new proceedings under section 211(f) Motor Vehicle M'frs A'ssn v. EPA, 768 F.2d 385 (1985), *cert. den.*, ——— U.S. ———.

ACTION: Declaratory order.

SUMMARY: This document sets out processing procedures for applications requesting authorization of satellite communications networks operating in the 12/14 GHz frequency bands and employing large numbers of technically identical earth station antennas less than 5 meters in diameter. It also sets technical criteria for the routine licensing of antennas as small as 1.2 meters in diameter in these bands.

EFFECTIVE DATE: This order is effective upon release.

ADDRESS: Federal communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Rosalee C. Gorman or Joe Harcarufka, Common Carrier Bureau, (202) 634–1624.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Declaratory Order, adopted April 3, 1986, and released April 9, 1986.

The full text of this Commission decision is available for inspection and copying during normal business hours in the Domestic Facilities Public Reference Room, (Room 6220), 2025 M Street NW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

The Chief, Common Carrier Bureau, acting pursuant to delegated authority, has adopted a Declaratory Order which sets out processing procedures for applications requesting authorization of satellite communications networks operating in the 12/14 GHz frequency bands which employ large numbers of technically identical earth station antennas. In addition, this declaratory order sets initial technical criteria for the routine authorization of the particular class of earth station antennas as small as 1.2 meters in these bands for narrowband data rate transmissions.

Pursuant to the conditions and procedures established by this order, several pending applications will be granted by separate authorization in which a blanket license will be issued for the overall network without requiring site specific information on each individual antenna. Future applications for networks of this type or any other requests for authorization of a large number of technically identical facilities using antennas of less than 5 meters in diameter must include the information listed below. In addition, applications requesting authorization of "hub" networks must also comply with the technical specifications given below.

The following information is required: a general narrative statement describing the applicant and overall system operation, including Form 430; a Form 403 and associated technical specifications for each large (i.e., 5 meters or more in diameter) hub station; one Form 403 and associated technical specifications for each representative type of small (i.e., diameter of less than 5 meters) earth station; designation of a point of contact to maintain records of location and frequency use; and description of a safety interlock system if remote control authority is requested.

To be routinely authorized, a "hub" network authorized on a blanket basis in the 12/14 GHz band must not exceed the following parameters: power density of −14.0 dBW/4 KHz into a 1.2 meter earth station and a gross bit rate of 512 Kbps for the inbound uplink; for the outbound link, a maximum satellite carrier EIRP density of +6.0 dBW/4 KHz, a gross bit rate of 3.088 Mbps from a central hub earth station with at least a 5.0 meter antenna and an EIRP of 78.3 dBW. Other antennas 1.2 meters or greater in diameter will also be routinely licensed for transmissions in the 14 GHz band if the earth station and satellite parameters do not exceed those for a blanket hub network authorization. Any application for a system exceeding these parameters must make a showing that its operations will not cause interference under conditions of uniform 2° satellite orbital spacing.

Each pending and future applicant will be authorized to construct and operate a specified number of earth stations with construction to be completed within 48 months of the date of authorization. The license term for a blanket authorization will be ten years and licensees will be required to specify the number of stations actually constructed on a yearly basis. Requests for authority to construct additional stations for networks given a blanket authorization will be treated as minor modifications and will be given a corresponding extension of time to complete construction, but the license will not be extended beyond the original ten year term.

Accordingly, pursuant to Section 0.291 of the Commission's rules on delegations of authority, it is ordered that the foregoing procedures will be applied to the grant of pending applications for networks of the type described herein. Future applications for these types of systems or others employing large numbers of technically identical facilities will be processed routinely in accord with these procedures.

It is further ordered that earth station antennas 1.2 meters and larger will be routinely licensed in the domestic Fixed-Satellite Service for transmission in the 14.0–14.5 GHz band in accordance with the conditions specified above.

Albert Halprin,

Chief, Common Carrier Bureau.

[FR Doc. 86–8693 Filed 421–86; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for clearance in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: New Information Collection
Title: Civil Rights Higher Education and Rehabilitation Act Survey

Abstract: Annually evaluates compliance with nondiscrimination regulations by State emergency management agencies. Administered by FEMA program personnel. Areas covered: administrative procedures, training, construction, and planning. Will be used to provide technical assistance to accomplish voluntary compliance and as basis for budgetary recommendations to the Director of FEMA.

Type of Respondents: State or Local Governments
Number of Respondents: 55
Burden Hours: 138

Copies of the above information collection request and supporting documentation can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley, (202) 646–2624, 500 C Street, SW., Washington D.C. 20472.

Comments should be directed to Mike Weinstein, Desk Officer for FEMA, Office of Information and Regulatory Affairs, OMB, Rm. 3235, New Executive Office Building, Washington, D.C. 20503.

Walter A. Girstantas,

Director, Administrative Support.

[FR Doc. 86–8922 Filed 4–21–86; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the

following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in section 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 021–000861–004.

Title: The Port Authority of New York and New Jersey Terminal Agreement.

Parties:

The Port Authority of New York and New Jersey

Universal Maritime Service Corporation

Synopsis: The proposed amendment would: (1) Provide for an addition to the leased premises: (2) provide for the use of the "Second Additional Crane" upon completion; and (3) provide for the use of areas prior to the completion of construction work. The parties have requested a shortened review period.

Agreement No.: 202–010025–007

Title: Red Sea Rate Agreement.

Parties:

A.P. Moller-Maersk Line NedLloyd Lijnen, B.V.

Barber Blue Sea.

Synopsis: The proposed amendment would modify the scope of the agreement to eliminate ports in Saudi Arabia. The parties have requested a shortened review period.

By order of the Federal Maritime Commission.

Dated: April 17, 1986.

Tony P. Kominoth,

Assistant Secretary.

[FR Doc. 86–8946 Filed 4–21–86; 8:45 am]

BILLING CODE 6730–01–M

Peruvian Cargo Reservation, Supreme Decree No. 009–86–TC: Request for Comments

April 17, 1986.

The Federal Maritime Commission has received a number of letters and telexes from shippers and shipper organizations expressing concern about the impact of the Government of Peru's Supreme Decree No. 009–86–TC (Decree) on shipping in the United States trades with Peru. The Decree was issued on February 28, 1986 and, *inter alia,* reserves to Peruvian-flag vessels 100 percent of import or export cargo generated by Peru's foreign trade. Some reduction of the amount of cargo reserved is apparently contemplated under certain circumstances for shipping lines of the "flag of reciprocity," and with specific authorization by the Peruvian Office of Aquatic Transport when no national-flag vessel is available.

Union Carbide Corporation has, by telex dated March 12, 1986, expressed grave concern regarding the effect of this Decree upon the level of shipping service and rates in the U.S./Peru trade and asked the Commission to institute an investigation into possible conditions unfavorable to shipping in the U.S. foreign trade resulting from this Decree, pursuant to section 19(1)(b) of the Merchant Marine Act, 1920, 46 U.S.C. app. 876(1)(b).[1] Similar concerns and requests for Commission action have been received from Shippers for Competitive Ocean Transportation, the New York Chamber of Commerce and Industry, the National Export Traffic League, and the Monsanto Corporation. These communication allege that the Peruvian Decree prevents competition among shipping lines, denies the shipping public the ability to use the carriers of their choice, and has created a great deal of current confusion among shippers as to which vessels thay may use and whether they may be subject to substantial penalties for use of non-Peruvian-flag vessels. Copies of these letters and telexes are available for examination at the Washington, DC office of the Commission, 1100 L Street NW., Washington, DC, Room 11101.

On its face, Supreme Decree No. 009–86–TC would preclude the use of U.S.-flag vessels or third-flag vessels for shipments between Peru and the United States by American importers and exporters. To that extent, at least, the Decree appears to create conditions unfavorable to shipping in the U.S. trade with Peru. In order for the Commission to make a thorough evaluation of conditions in the trade and assess the actual impact of Peruvian Supreme Decree 009–86–TC, interested persons are requested to submit views, arguments or data relating to this matter no later than May 18, 1986. Responses shall be directed to the Secretary, Federal Maritime Commission, Washington, DC 20573 in an original and 15 copies.

The Commission has also requested that the Department of State continue and intensify its efforts to reach a resolution of this matter through diplomatic channnels with the Government of Peru, and to inform the Commission within 30 days of the prospects for such a resolution. Based upon the comments received and the response of the Department of State, the Commission will promptly consider what, if any, further action should be taken in this matter. Such further action could include the promulgation of appropriate rules to meet any conditions unfavorable to shipping in the U.S. trade with Peru which may be found to exist as a result of Supreme Decree 009–86–TC.

By the Commission.

Tony P. Kominoth,

Assistant Secretary.

[FR Doc. 86–8992 Filed 4–21–86; 8:45 am]

BILLING CODE 6730–01–M

[1] Section 19(1)(b) of the Merchant Marine Act, 1920 authorizes and directs the Federal Maritime Commission to "make rules and regulations affecting shipping in the foreign trade not in conflict with law in order to adjust or meet general or special conditions unfavorable to shipping in the foreign trade, . . . which arise out of or result from foreign laws, rules, or regulations . . ."

[Docket No. 86–13]

Application of Tariff Filing Requirements to the Carriage of Forest Products Under the Shipping Act of 1984; Notice of Filing of Petition for Declaratory Order, U.S. Atlantic and Gulf/Australia-New Zealand Conference

Notice is given that a petition for declaratory order has been filed by the U.S. Atlantic & Gulf/Australia-New Zealand Conference seeking that the Commission determine the applicability of the tariff-filing exemption for forest products in section 8 of the Shipping Act of 1984, 46 USC app. 1707(a)(1), as it relates to the movement of such cargoes in containers.

Interested persons may inspect and obtain a copy of the petition at the Washington Office of the Federal Maritime Commission, 1100 L. Street, NW., Room 11101. Interested persons may submit replies to the Secretary, Federal Maritime Commission, Washington, DC 20573 on or before May 14, 1986. An original and fifteen copies of such replies shall be submitted and a copy thereof served on the filing party, Marc J. Fink, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street, NW., Washington, DC 20006. Replies shall contain the complete factual and legal

presentation of the replying party as to the desired resolution of the petition.

Tony P. Kominoth,

Assistant Secretary.

[FR Doc. 86-8890 Filed 4-21-86; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Applications To Engage de Novo in Permissible Nonbanking Activities; Algemene Bank Netherland N.V. et al.

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 section 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 section 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 May 12, 1986.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Algemene Bank Netherland N.V.*, Amsterdam, The Netherlands, *A.B.N.—Stichting*, Amsterdam, The Netherlands, *ABN Company, Inc.*, Wilmington, Delaware, and *LaSalle National Corporation*, Chicago, Illinois; to engage *de novo*, through their subsidiary LaSalle Brokerage Services, Inc., Chicago, Illinois, in discount securities brokerage activities pursuant to section 225.25(b)(15) of the Board's Regulation Y.

B. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *San Diego Financial Corporation*, San Diego, California; to engage through its subsidiary SDT Discount Brokerage, Inc., San Diego, California, in discount securities brokerage activities and underwriting and dealing in government obligations and money market instruments pursuant to §§ 225.25(b) (15) and (16) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, April 17, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-8977 Filed 4-21-86; 8:45 am]

BILLING CODE 6210-01-M

Formations of; Acquisitions by; and Mergers of Bank Holding Companies; Investors Trust Financial Corporation et al.

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 May 16, 1986.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *Investors Trust Financial Corporation*, Duluth, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of Investors Trust Bank, Duluth, Georgia (currently, the Investors Trust Savings & Loan Association, Duluth, Georgia).

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Illinois Corporation*, Evanston, Illinois; to merge with First Burlington Corporation, LaGrange, Illinois, thereby indirectly acquiring LaGrange Bank and Trust Company, LaGrange, Illinois, and First Burlington Bank, Willowbrook, Willowbrook, Illinois.

2. *First Wilmington Corp.*, Wilmington, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Wilmington, Wilmington, Illinois.

C. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Ben Wheeler Bancshares, Inc.*, Ben Wheeler, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of First State Bank of Ben Wheeler, Ben Wheeler, Texas.

2. *Texas Community Bancshares, Inc.*, Dallas, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of BancTexas Sulphur Springs, N.A., Sulphur Springs, Texas.

Board of Governors of the Federal Reserve System, April 17, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-8976; Filed 4-21-86 8:45 am]

BILLING CODE 6210-01-M

Ameritrust 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 May 14, 1986.

A. Federal Reserve Bank of Cleveland (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Ameritrust Corporation,* Cleveland, Ohio, and *First Indiana Bancorp,* Elkhart, Indiana; to acquire 100 percent of the voting shares of State Bank of Lima, Howe, Indiana.

B. Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Spurgeon Financial Corporation,* Spurgeon, Indiana; to merge with Pike Bancshares, Inc., Petersburg, Indiana, thereby indirectly acquiring Pike County Bank, Petersburg, Indiana.

C. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *First Eastern Bancshares of Texas, Inc.,* Eustace, Texas; to become a bank holding company by acquiring 89.6 percent of the voting shares of First State Bank, Eustace, Texas.

Board of Governors of the Federal Reserve System, April 16, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-8925 Filed 4-21-86; 8:45 am]

BILLING CODE 6210-01-M

The Central Bancorporation, Inc., 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 May 5, 1986.

A. Federal Reserve Bank of Cleveland (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *The Central Bancorporation, Inc.,* Cincinnati, Ohio; to acquire 100 percent of the voting shares of Citizens National Bank, Fort Wright, Kentucky.

B. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *MarBanc Financial Corporation,* Markle, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of State Bank of Markle, Markle, Indiana. Comments on this application must be received not later than April 18, 1986.

2. *Heartland Bancorp, Inc.,* El Paso, Illinois; to acquire 100 percent of the voting shares of The First National Bank, Washington, Illinois.

C. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Caldwell Capital Corporation,* Caldwell, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of First State Bank in Caldwell, Caldwell, Texas.

2. *First La Grange Bancshares, Inc.,* La Grange, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of La Grange, La Grange, Texas.

3. *Greater Texas Bancshares, Inc.,* Georgetown, Texas; to acquire 100 percent of the voting shares of Greater Texas Bank North, N.A., Austin, Texas, thereby indirectly acquiring Greater Texas Bank Leander, Leander, Texas.

Board of Governors of the Federal Reserve System, April 16, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-8923 Filed 4-21-86; 8:45 am]

BILLING CODE 6210-01-M

First Commerce Corp. 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 May 14, 1986.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *First Commerce Corporation,* New Orleans, Louisiana; to engage *de novo* through its subsidiary First Commerce

Service Corporation, New Orleans, Louisiana, in data processing and data transmission services pursuant to § 225.25(b)(7) of the Board's Regulation Y.

B. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Victoria Bankshares, Inc.*, Victoria, Texas; to expand the geographic scope of its subsidiary Transact Financial Corporation, Victoria, Texas, to include the entire United States. Transact Financial Corporation engages in lending activities pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, April 16, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-8924 Filed 4-21-86; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

NIOSH Board of Scientific Counselors; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control (CDC) announces the following National Institute for Occupational Safety and Health (NIOSH) committee meeting:

Name: Board of Scientific Counselors.

Date: May 13-14, 1986.

Place: Auditoriums A and B, Centers for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia 30333.

Time and Type of Meeting:

Closed: 9:00 a.m.—12:00 noon, May 13, 1986—Auditorium A

Open: 1:00 p.m.—4:30 p.m., May 13, 1986—Auditorium A

Open: 9:00 a.m.—Adjournment, May 14, 1986—Auditorium B.

Contact Person: Elliott S. Harris, Ph.D., Executive Secretary, NIOSH Board of Scientific Counselors, NIOSH, CDC, Building 1, Room 3007, 1600 Clifton Road, NE, Atlanta, Georgia 30333. Phone: (404) 329-3773.

Purpose: The Board is charged with advising the Director of the National Institute for Occupational Safety and Health on the scientific quality and efficacy of the Institute's research as related to the Institute's goals.

Agenda: Agenda items for the meeting will include announcements, consideration of minutes of the previous meeting, report of the Subcommittee appointed to evaluate the NIOSH grants program, NIOSH cooperative agreements, NIOSH health promotion activities, and subjects for future Board agendas. Beginning at 9:00 a.m. through 12 noon, May 13, Bard members will discuss certain NIOSH program resources (both financial and personnel) and the allocation thereof. This portion of the meeting will be closed to the public in accordance with the provisions set forth in Sections 552b(c)(6) and (c)(9)(B), Title 5 U.S. Code, and the Determination of the Director, Centers for Disease Control, pursuant to Pub. L. 92-463.

The portion of the meeting so indicated is open to the public for observation and participation. Anyone wishing to make an oral presentation should notify the contact person listed above as soon as possible before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the presentation. Oral presentations will be scheduled at the discretion of the Chairperson and as time permits. Anyone wishing to have a question answered during the meeting by a scheduled speaker should submit the question in writing, along with his or her name and affiliation, through the Executive Secretary to the Chairperson. At the discretion of the Chairperson, and as time permits, appropriate questions will be asked of the speakers.

Agenda items are subject to change as priorities dictate.

A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: April 11, 1985.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 86-8956 Filed 4-21-86; 8:45 am]

BILLING CODE 4160-19-M

Food and Drug Administration

Top Hand Iron Injection; Withdrawal of Approval of NADA

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of a new animal drug application (NADA) sponsored by Boehringer Ingelheim Animal Health, Inc., providing for use of Top Hand Iron Injection (colloidal ferric oxide in dextrin solution) for prevention and treatment of iron deficiency anemia in baby pigs. The sponsor requested the withdrawal of approval.

EFFECTIVE DATE: May 2, 1986.

FOR FURTHER INFORMATION CONTACT: Vitolis E. Vengris, Center for Veterinary Medicine (HFV-214), Food and drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3183.

SUPPLEMENTARY INFORMATION: Boehringer Ingelheim Animal Health, Inc., 2621 North Belt Highway, St. Joseph, MO 64502, is sponsor of NADA 39-281 which provides for use of Top Hand Iron Injection (colloidal ferric oxide in dextrin solution) for prevention and treatment of iron deficiency anemia in baby pigs. The application was originally approved January 10, 1969. In a letter dated January 29, 1986, the firm requested withdrawal of approval of the NADA because the drug product is no longer being marketed and waived an opportunity for hearing.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.84), and in accordance with § 514.115 *Withdrawal of approval of applications* (21 CFR 514.115), notice is given that approval of NADA 39-281 and all supplements thereto for Top Hand Iron Injection is hereby withdrawn, effective May 2, 1986.

In a final rule published elsewhere in this issue of the **Federal Register**, the regulation reflecting this approval is removed.

Dated: April 15, 1986.

Gerald B. Guest,

Acting Director, Center for Veterinary Medicine.

[FR Doc. 86-8934 Filed 4-21-86; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

School Construction Priority List, FY 1987

April 17, 1986.

SUMMARY: This notice is published in exercise of authority delegated by the Secretary of Interior to the Assistant Secretary—Indian Affairs by 209 DM8. The school construction priority list has been revised for FY 1987 as required by Pub. L. 95-561 (92 Stat. 2319 section 1125(O)) which requires that: At the time any budget request for school construction is presented, the Secretary shall publish in the **Federal Register** and submit with the budget request the current list of all school construction priorities.

This notice for FY 1987 provides the current revised list of proposed construction projects.

Construction of these projects is subject to the availability of funds and/or the status of currently committed construction projects approved by Congress. Committed projects are Two Eagle River Indian High School, Montana, and Rocky Boy High School, Montana.

The current list of school construction projects applies to FY 1987 based upon the Bureau's criteria for ranking projects using "unhoused" students. A revised list is developed and published for each succeeding fiscal year. The BIA, Contract and Previously Private School Construction Ranking—FY 1987 is:

1. St. Francio Indian School, SD.
2. Turtle Mountain Middle School, ND.

A reivew of the Oglala Community High School is underway, as directed by Congress, to determine whether or not it should be ranked. No other applications are ranked pending the development of a master plan for the Bureau of Indian Affairs Education. The plan will be developed during FY 1987 so that new applications for construction can be considered for FY 1988.

FOR FURTHER INFORMATION CONTACT: Deputy Director, Office of Facility Management, Box 1248, Albuquerque, New Mexico 87103, (505) 766–2825.

Ross O. Swimmer,

Assistant Secretary—Indian Affairs.

[FR Doc. 86–8964 Filed 4–21–86; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

New Mexico; Availability of Draft Roswell Resource Area Management Framework Plan Amendment (MFPA)/ Environmental Assessment (EA)

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of draft MFPA/EA.

SUMMARY: Pursuant to section 102(2) of the National Environmental Policy Act of 1969, notice is hereby given that the Bureau of Land Management, Rosewell Resource Area, Roswell, New Mexico, has prepared a Draft EA to amend the Fort Stanton MFP.

The Draft MFPA/EA analyzes the environmental impacts that would result from designating a right-of-way corridor for facilities associated with a new regional airport, and from designating a site for a community material pit. A no-action alternative is also analyzed in the document.

FOR FURTHER INFORMATION CONTACT: Copies of the document are being made available to the public who are invited to express their comments on the Draft MFPA/EA. Written comments must be received by June 20, 1986.

Comments should be sent to: Phil Kirk, Area Manager, BLM, Roswell Resource Area, P.O. Box Drawer 1857, Roswell, NM 88201.

Dated: April 14, 1986.

Monte G. Jordon,

Associate State Director.

[FR Doc. 86–8898 Filed 4–21–86; 8:45 am]

BILLING CODE 4310–FB–M

Carson City District Advisory Council; Meeting

DATE: May 22, 1986.

ADDRESS: 1535 Hot Springs Road, Suite 300, Carson City, Nevada.

SUMMARY: The Council will meet at 9:00 a.m. The agenda will include election of officers, multiple-use resource management, and comments from the public (11:00 a.m.). A field trip of public firewood cutting areas near Carson City will follow in the afternoon. Anyone may attent the meeting and field trip but must provide their own transportation.

FOR FURTHER INFORMATION CONTACT: Steve Weiss, BLM Public Affairs Officer, 1535 Hot Springs Road, Suite 300, Carson City, NV, (702) 882–1631.

Dated: April 11, 1986.

Thomas J. Owen,

District Manager.

[FR Doc. 86–8975 Filed 4–21–86; 8:45 am]

BILLING CODE 4310–HC–M

Bureau of Reclamation

Mid-Pacific Region, CA; Intent To Prepare an Environmental Statement/ Environmental Impact Report

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and the provisions of the California Environmental Quality Act, the Department of the Interior and the Stockton East Water District, Central Joaquin Water Conservation District and Oakdale Irrigation District will prepare a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) on the Farmington Canal Project located in Stanislaus, Calaveras and San Joaquin Counties, California. The EIS/EIR is being prepared in response to a request by Stockton East and Central San Joaquin for Pub.L. 84–984 loans for the Bureau of Reclamation. The loan will be used to construct storage and conveyance facilities to deliver 305,000 acre-feet of water per year from the Stanislaus River to agricultural, municipal and industrial water users in the Districts. Stockton East would get 75,000 acre-feet; Central San Joaquin, 80,000 acre-feet; and Oakdale 150,000 acre-feet. The joint environmental document would address the impacts of construction and operating the project.

The purpose of the proposed project for Stockton East and Central San Joaquin would be to substitute surface water for groundwater, currently being drawn from over-drafted ground-water basins. Oakdale would use the project to divert its own Stanislaus River water rights water in place of its North Main flume to an existing distribution system serving 25,500 acres. Water captured in New Melones Reservoir, would be diverted from the Stanislaus River at Goodwin Dam and conveyed to the service area. Facilities which would be constructed include a diversion at Goodwin Dam, approximately 3 miles of tunnel to convey water for all three districts, and 8 miles of joint-use canal to convey water to a 12,000 ace-foot storage reservoir located at Shirley Gulch from which Central San Joaquin will distribute water to its 30,000 acre service area. Another 12 miles of canal and a small section of tunnel would be built to transport Stockton East's water from Shirley Gulch to the Calaveras River. An ancillary system would then distribute the water to users in the 22,500-acre service area.

Alternatives which are under consideration in the EIS/EIR include various canal and tunnel alignments, designs, sources of water supplies, and types of storage requirements.

A workshop to solicit information from public entities and persons for determining the scope of the environmental document and the significant issues related to the proposed action will be held at the Farmington Elementary School, 25233 East Highway 4, Farmington, California, on May 21, 1986, at 7:30 p.m. Persons unable to attend the meeting are invited to submit written comments by May 28, 1986, to any of the addresses listed below. For further information on the meeting or the project, please contact:

William D. Payne, Environmental Specialist, Bureau of Reclamation, Mid-Pacific Region, MP–750, 2800 Cottage Way, Sacramento, CA 95825–1898, Telephone: 916/978–4954

Reid W. Roberts, Secretary, Central San Joaquin Water Conservation District, 311 East Main Street, Suite 203, Stockton, CA 95202, Telephone: 209/941–8714

Edward M. Steffani, General Manager, Stockton East Water District, P.O. Box 5157, Stockton, CA 95205–0157, Telephone: 209/948–0333.

Dated: April 17, 1986.

C. Dale Duvall,

Commissioner.

[FR Doc. 86-9056 Filed 4-21-86; 8:45 am]

BILLING CODE 4310-09-M

National Park Service

Mining Plan of Operations at Bering Land Bridge National Preserve; Notice of Availability

Notice is hereby given that pursuant to the provisions of section 2 of the Act of September 28, 1976, 16 U.S.C. 1901 et seq., and in accordance with the provisions of § 9.17 of 36 CFR Part 9A, Cheryl Jong has filed a plan of operations in support of proposed mining operations on lands embracing the Humboldt Creek Group Placer Mining Claims within the Bering Land Bridge National Preserve. These plans are available for inspection during normal business hours at the Alaska Regional Office, National Park Service, 2525 Gambell Street, Anchorage, Alaska.

M.V. Finley,

Acting Regional Director, Alaska Region.

[FR Doc. 86-9010 Filed 4-21-86; 8:45 am]

BILLING CODE 4310-70-M

Mining Plan of Operations at Wrangell-St. Elias National Park and Preserve; Notice of Availability

Notice is hereby given that pursuant to the provisions of Section 2 of the Act of September 28, 1976, 16 U.S.C. 1901 et seq., and in accordance with the provisions of Section 9.17 of 36 CFR Part 9A, Russell Hoffman has filed a plan of operations in support of proposed mining operations on lands embracing the Edison Association Placer Mining Claim within the Wrangell-St. Elias National Park and Preserve. This plan is available for inspection during normal business hours at the Alaska Regional Office, National Park Service, 2525 Gambell Street, Anchorage, Alaska.

M.V. Finley,

Acting Regional Director, Alaska Region.

[FR Doc. 86-9009 Filed 4-21-86; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before April 12, 1986. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by May 7, 1986.

Carol D. Shull,

Chief of Registration, National Register.

ALABAMA

Choctaw County

Mount Sterling, *Mount Sterling Methodist Church*, Near jct. of CR 43 and CR 27

Colbert County

Leighton, *Preuit Oaks*, Cotton Town Rd.

DeKalb County

Fort Payne, *Alabama Builders' Hardware Manufacturing Company*, 204 Eighth St., NE

Etowah County

Gadsden, *Hood, Colonel O.R. House*, 862 Chestnut St.

Marshall County

Arab, *Hotel Thompson*, 104 First Ave. NE

ALASKA

Valdez-Chitina-Whittier Division

Chitina vicinity, *Bremner Mining Camp, Historic District*, W side of Golconda Creek

Chitina vicinity, *North Midas Mining Camp Historic District*, Near Berg and McDougall Creeks

McCarthy vicinity, *Green Butte Mining Camp Historic District*, E Side of McCarthy Creek and on face of Green Butte

ARIZONA

Coconino County

Grand Canyon vicinity, *Trans-Canyon Telephone Line, Grand Canyon National Park*, Grand Canyon

along Bright Angel and North Kaibab Trails from South Rim to Roaring Springs and South Kaibab Trail to Tipoff

ARKANSAS

Washington County

Lafayetteville, *Happy Hollow Farm*, CR 10

CALIFORNIA

San Francisco County

San Francisco, *Ship KING PHILIP—Schooner REPORTER (Shipwreck Site)*, Foot of Ortega St.

IDAHO

Fremont County

Island Park vicinity , *Bishop Mountain Lookout*, Forest Rd. 80120

KANSAS

Woodson County

Yates Center, *Yates Center Courthouse Square Historic District*, Courthouse Sq.

KENTUCKY

Elliott County

Coniey-Greene Rockshelter (15EL4)

LOUISIANA

Terrebonne Parish

Gibson, *Gibson Methodist Episcopal Church*, S. Bayou Black Dr.

MARYLAND

Howard County

Ellicott City vicinity, *Enniscorthy*, 3412 Folly Quarter Rd.

MASSACHUSETTS

Hampshire County

Ware, *Church Street Historic District*, Church ST. between Park Ave., and Highland St.

Ware, *Ware Center Historic District*, MA 9 and Greenwich Plains Rd.

Ware, *Ware-Hardwick Covered Bridge*, Old Gibertville Rd. and Bridge St. (also in Worchester County)

Ware, *Ware Millyard Historic District*, Roughly bounded by South St., Ware River, Upper Dam Complex, Park St., Otis Ave. and Church St.

Ware, *Ware Town Hall*, Main and West Sts.

Norfolk County

Quincy, *United States Post Office—Quincy Main*, Washington St.

MICHIGAN

Cheboygan County

Cheboygan, *Cheboygan County Courthouse*, 229 Court St.

Lapeer County

Almont, *West Saint Clair Street Historic District*, 211-325, 128-328 W. Saint Clair St.

NEBRASKA

Fillmore County

Geneva, *Smith, George W., House*, Twelfth St.

NEVADA

Pershing County

Lovelock, *Pershing County Courthouse*, 400 Main St.

NEW YORK

Madison County

Lenox, *Canal Town Museum (Canastota Village MRA)*, 122 Canal St.

Lenox, *Canastota Methodist Church (Canastota Village MRA)*, Main and New Boston Sts.

Lenox, *Canastota Public Library (Canastota Village MRA)*, 102 W. Center St.

Lenox, *House at 107 Stroud Street (Canastota Village MRA)*, 107 Stroud St.

Lenox, *House at 115 South Main Street (Canastota Village MRA)*, 115 S. Main St.

Lenox, *House at 205 North Main Street (Canastota Village MRA)*, 205 N. Main St.

Lenox, *House at 233 James Street (Canastota Village MRA)*, 233 James St.

Lenox, *House at 313 North Main Street (Canastota Village MRA)*, 313 N. Main St.

Lenox, *House at 328 North Peterboro Street (Canastota Village MRA)*, 326 N. Peterboro St.
Lenox, *House at 328 North Peterboro Street (Canastota Village MRA)*, 328 N. Peterboro St.
Lenox, *Peterboro Street Elementary School (Canastota Village MRA)*, 220 N. Peterboro St.
Lenox, *South Peterboro Street Commercial Historic District (Canastota Village MRA)*, Roughly bounded by NY 76, Diamond and Center Sts., Penn Central RR, Depot St. and Commerce Ave.
Lenox, *South Peterboro Street Residential Historic District (Canastota Village MRA)*, Roughly bounded by James, Terrace, S. Peterboro, Rasback, and Hickory Sts.
Lenox, *United Church of Canastota (Canastota Village MRA)*, 144 W. Center St.

OKLAHOMA

Carter County

Ardmore, *Galt—Franklin Home (Historic Homes of Ardmore Petroleum Executives TR)*, 400 Country Club Rd.
Ardmore, *Johnson Home (Historic Homes of Ardmore Petroleum Executives TR)*, 400 Country Club Rd.

Lincoln County

Stroud, *Southwestern Bell Telephone Building*, 301 W. Seventh St.

Seminole County

Seminole, *Home Stake Oil and Gas Company Building*, 315 E. Broadway
Wewoka, *Hotel Aldridge*, Third and Wewoka Sts.

Stephens County

Duncan, *Johnson Hotel and Boarding House*, 314 W. Mulberry

SOUTH DAKOTA

Codington County

Kranzburg, *Holy Rosary Church*, Minnesota Ave.

Potter County

Seneca vicinity, *North Canton School—District #12*, Off SD 47

Union County

Beresford, *Bulow, Governor William J., House*, 207 W. Hemlock St.

Walworth County

Mobridge, *Mobridge Auditorium*, 212 Main St.

UTAH

Box Elder County

Hogup Cave (42Bo36)

VERMONT

Addison County

Cornwall, *Cornwall Town Hall*, VT 30

Windham County

Townsend vicinity, *Wheelock House*, CR 30

WYOMING

Albany County

Laramie, *Bath Row*, 155, 157 and 159 N. Sixth St. and 611 University Ave.
Laramie, *Vee Bar Ranch Lodge*, 2087 WY 130

Carbon County

Elk Mountain, *Elk Mountain Hotel*, Bridge St. and CR 402
Saratoga vicinity, *Jack Creek Guard Station*, Off FDR No. 452

[FR Doc. 86-9008 Filed 4-21-86; 8:45 am]
BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30803]

Southwestern Michigan Railroad Co., Inc., d/b/a Kalamazoo, Lake Shore & Chicago Railway; Acquisition and Operation Exemption; Chesapeake and Ohio Railway Co.

Southwestern Michigan Railroad Company, Inc., d/b/a Kalamazoo, Lake Shore & Chicago Railway (KLSC) has filed a notice of exemption to acquire and operate the line of The Chesapeake and Ohio Railway Company between MP 17.27, east of Hartford, and MP 30.55 at Paw Paw, a distance of 13.28 miles in Van Buren County, MI. KLSC has also acquired incidental trackage rights over 1.8 miles of track between its line and Hartford for connection with the C&O's Chicago-Grand Rapids main line. Any comments must be filed with the Commission and served on John D. Heffner, Esq., Gerst & Heffner, 1133 15th Street NW., Suite 1100, Washington, DC 20005.

The notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: April 4, 1986.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 86-8954 Filed 4-21-86; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 30725]

Indiana Hi-Rail Corp.;—Exemption

AGENCY: Intestate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts: (a) The Garden Spot & Ohio (HS&O) from the requirements of 49 U.S.C. 10901 for its acquisition of certain rail lines now owned by Illionis Central Gulf Railroad Company (ICG) in Illinois, Indiana, and Kentucky; (b) Indiana Hi-Rail Corporation (IHR) from the requirements of 49 U.S.C. 11343 for its acquisition of these lines from ICG and its control (if any) of GS&O after GS&O aquires carrier property; and (c) IHR from the requirements of 49 U.S.C. Subtitle IV, except sections 10903–10906, for its operation of the lines after transfer of ownership to GS&O. The lines extend from: milepost 204.30 at Browns, IL to milepost 246.22 in Evansville, IN; from milepost 0.0 milepost 3.32 in Evansville; and from milepost 10.4 at Henderson, KY to milepost 15.85 at Wilson, KY. IHR will grant ICG trackage rights over that portion of the line between Browns and Grayville, IL, and IHR will acquire from Seaboard System Railroad, Inc. trackage rights between Evansville and Henderson. These transactions are exempt under the class exemption in 49 CFR 1180.2(d)(7).

DATES: The exemption for the purchase by IHR will be effective May 2, 1986. Petitions to reopen must be filed by May 12, 1986.

ADDRESSES: Send pleadings referring to Finance Docket No. 30725 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission Washington, DC 20423.
(2) Petitioners' Representative: Richard A. Allen, Suite 300, 2033 K Street NW., Washington, DC. 20006.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289–4357 (DC Metropolitan area) or toll free, (800) 424–5403.

Decided: April 1, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley. Commissioner Lamboley concurred in part and dissented in part with a separate expression.

James H. Bayne,

Secretary.

[FR Doc. 86-8952 Filed 4-21-86; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-160 (Sub-5X)

Montour Railroad Co., Abandonment Exemption; in Allegheny and Washington Counties, PA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of 49 U.S.C. 10903, et seq., the abandonment by Montour Railroad Company of its entire line of railroad in Allegheny and Washington Counties, PA.

DATES: This exemption will be effective on May 22, 1986. Petitions to stay must be filed by May 7, 1986, and petitions for reconsideration must be filed by May 19, 1986.

ADDRESSES: Send pleadings referring to Docket No. AB-160 (Sub-No. 5X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's representative: Fritz R. Kahn, Suite 1000, 1660 L Street NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free, (800) 424-5403.

Decided: April 3, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley. Commissioner Lamboley dissented with a separate expression.

James H. Bayne,

Secretary.

[FR Doc. 86-8951 Filed 4-21-86; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30810]

Hillsdale County Railway Co., Inc.; Trackage Rights; Exemption; Norfolk and Western Railway Co.

Norfolk and Western Railway Company has agreed to grant overhead trackage rights to Hillsdale County Railway Company, Inc. between Pergo, OH (milepost 98.66), and Montpelier, OH (milepost 97). The trackage rights will be effective on April 8, 1986.

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction.

As a condition to use of this exemption any employee affected by the trackage rights will be protected pursuant to *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry. Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Dated: April 9, 1986.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 86-9039 Filed 4-21-86; 8:45 am]

BILLING CODE 7035-01-M

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Advisory Committee on Actuarial Examinations; Meeting

Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet in Room 3313, Internal Revenue Service Building, 1111 Constitution Avenue, NW. in Washington, DC on May 20, 1986, beginning at 8:30 a.m.

The purpose of the meeting is to discuss topics and questions which may be recommended for inclusion on future Joint Board examinations in actuarial mathematics and methodology referred to in Title 29 U.S. Code, section 1242(a)(1)(B).

A determination as required by section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) has been made that the subject of the meeting falls within the exceptions to the open meeting requirements set forth in Title 5 U.S. Code, section 552b(c)(9)(B), and that the public interest requires that such meeting be closed to public participation.

Dated: April 16, 1986.

Leslie S. Shapiro,

Advisory Committee Management Officer, Joint Board for the Enrollment of Actuaries.

[FR Doc. 86-8928 Filed 4-21-86; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF JUSTICE

Office of Justice Programs

President's Child Safety Partnership; Meeting

AGENCY: Office if Justice Programs, Justice.

ACTION: Notice of Hearings.

SUMMARY: The Office for Victims of Crime announces the second in a series of hearings to be held by the President's Child Safety Partnership.

SUPPLEMENTARY INFORMATION: The President's Child Safety Partnership (hereafter referred to as the Partnership) will hold a series of five public hearings on the issue of child safety. The Partnership, which was announced by the President on April 29, 1985, and which held its initial meeting on January 16, 1986, consists of 26 members from the public, private (both corporate and nonprofit), state and local, and Federal sectors, and includes a wide range of expertise in fields related to child safety. It's first public hearing was held on April 15-16 in New York City.

The Partnership functions solely as an advisory committee in full compliance with the provisions of the Federal Advisory Committee Act.

The Partnership members recognize the magnitude and complexity of the child safety problem, and realize that the only way to effectively address it is through the help and support of a wide group of organizations, agencies, and individuals. Consequently, the Partnership will seek the input of these groups on a broad range of issues. The input received through both written and oral testimony will be used by the Partnership to make recommendations to the President on ways in which we can both prevent the victimization of our country's children and more fully involve the private sector in responding to the problem.

The scope of the Partnership inquiry and the recommendations the Partnership will make will be concerned with a broad range of offenses against children, specifically: Child physical abuse and neglect; child sexual abuse and molestation; theft, assault, robbery, and murder of children; parental and stranger abduction of children; exploitation of children (prostitution, pornography), runaway children (recognizing the extreme vulnerability of runaways to victimization); and drug abuse.

The hearing will seek to examine child safety initatives involving or supported by the private sector and to idendify specific issues of child safety requiring priority attention. The hearing will also examine model program approaches to prevent and respond to child victimization as well as legislative and Federal coordination issues.

Oral and written testimony will be solicited from the public. The estimony will be used as a basis for making recommendations to the President.

Location/Dates

The second public hearing of the Partnership will be held:

May 1, 1986, at the Dr. Martin Luther King Unit of the Chicago Boys and Girls Clubs, 2950 West Washington Boulevard, Chicago, Illinois 60612
Seats available to the public: 200
The hearing will be held from 9:00 a.m. to approximately 6:00 p.m.

Additional regional hearings will be held in Austin, Texas (late May), Denver, Colorado (mid-June), and Seattle, Washington (mid-July). Specific hearing locations and dates for these hearings will be announced in a subsequent Federal Register Notice.

Procedure

The Partnership invites all interested parties to submit written testimony or program information regarding any of the aforementioned aspects of child safety. Persons interested in providing written testimony should submit it to: Lois Haight Herrington, Assistant Attorney General, Office of Justice Programs, 633 Indiana Avenue NW., Washington, DC 20531. If possible, all written testimony should be typed and submitted in duplicate. All written testimony is due not later than September 30, 1986, but should be submitted as soon as possible for maximum consideration.

Persons interested in providing oral testimony at the hearing in Chicago should notify Assistant Attorney General Herrington in writing (same address as above), as soon as possible, and in no event later than April 25, 1986. The Partnership will make the final determinations as to what persons/organizations will be invited to provide oral testimony.

Conduct of Hearings

The hearings, which will be open to the public, will begin at 9:00 a.m. The Chairman of the Partnership, or his designee, will preside at the hearings. Other members of the partnership will join the Chairman. These will not be judicial or evidentiary-type hearings and there will not be any cross-examination. However, clarifying questions and discussion by Partnership members may follow each presentation. There will be time set aside at the conclusion of the hearings for brief comments by members of the public.

Any further precedural rules needed for the proper conduct of the hearings will be annouced by the presiding official.

A transcript of the hearings will be made. The entire record of the hearings, including transcript, will be retained by the Partnership, and will be available to the public. Any person may purchase a copy of the transcript from the transcribing organization.

For further general information of the Partnership hearings contact: Mr. William Modzeleski, President's Child Safety Partnership, 633 Indiana Avenue, NW., Washington, DC 20531. Phone: (202) 272-6500.

Dated: April 17, 1986.

Lois Haight Herrington,

Assistant Attorney General, Office of Justice Programs.

[FR Doc. 86-9092 Filed 4-21-86; 9:22 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-16,328]

Black & Decker Company, Inc., Allentown, PA; Negative Determination Regarding Application for Reconsideration

By an application dated March 18, 1986. counsel for the United Electrical Workers of America, Local 128, requested administrative reconsideration of the Department of Labor's notice of determinations of trade adjustment assistance to workers of Black & Decker Company, Inc., Allentown, Pennsylvania. The notice of determinations was published in the Federal Register on January 28, 1986 (51 FR 3524).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted when:

(1) if it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) if it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) if, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

Counsel for the union claims that the Allentown workers cannot be separately identified by product. Counsel also claims that toasters and toaster ovens are not different products and that foreign competition which impacts on toasters would impact on toaster ovens as well. Counsel asserts that the Department's investigation should have considered U.S. exports of toaster ovens and waffle irons. Finally, its claimed that production of waffle irons and toaster oven components will be moved overseas.

Findings in the investigative case file show that all of the statutory criteria of the Trade Act of 1974 were met for workers producing coffee percolators and toasters at Black & Decker's Allentown, Pennsylvania plant. However, the findings did not substantiate that increased imports of toaster ovens and waffle irons contributed importantly to worker separations.

The primary product manufactured at the Allentown plant was toaster ovens. The production of coffee percolators and toasters did not represent a significant portion of Allentown's production and, therefore, workers producing components for these products would not have qualified under worker eligibility requirements of the Trade Act of 1974 for trade adjustment assistance.

Toaster ovens and toasters are not the same product especially with regards to the impact of foreign competition. Workers producing toaster ovens were denied because the findings showed that increased imports did not contribute importantly to worker separations at Allentown. The "contributed importantly" test is generally demonstrated through the Department's survey of the subject firm's customers. The Department's survey showed that responding customers did not increase imports of toaster ovens while reducing purchases from Black & Decker in 1984 compared to 1983 or in the first eight months of 1985 compared to the same period in 1984.

The survey also showed that respondents accounting for the preponderant share of the subject firm's sales decline of waffle irons in 1985 compared to 1984 reported no import purchases during that period. The few customers who reported import purchases of waffle irons accounted for an insignificant amount of the survey group's purchase decline from Black & Decker in 1984 compared to 1983.

U.S. exports of toaster ovens and waffle irons were not addressed in the investigation, since exports are not a criterion for group certification.

Findings show that the overseas transfer of heating elements and waffle iron production from Allentown occurred in March, 1985 and November, 1985, respectively. As of this date no company imports of heating elements or waffle irons have occurred. Toaster oven production was transferred from Allentown to North Carolina in 1985.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied. Signed at Washington, DC., this 14th day of April 1986.

Carolyn M. Golding,

Director, Unemployment Insurance Service, UIS.

[FR Doc. 86-8983 Filed 4-21-86; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 2, 1986.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 2, 1986.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street NW., Washington, DC 20213.

Signed at Washington, DC, this 14th day of April 1986.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Amerian Rubber Manufacturing Co., Inc. (URW)	Oakland, CA	4-8-86	4-4-86	TA-W-17,334	Conveyor velting.
American Smelting and Refining Co. (ASARCO) (ICWU)	Mascot, TN	4-9-86	4-7-86	TA-W-17,335	Zinc concentrates.
Andiamo Knitwear, Inc. (ILGWU)	West New York, NJ	4-4-86	3-31-86	TA-W-17,336	Sweaters and dresses.
Beckley Lick Run (workers)	Mt. Hope, WV	4-7-86	3-31-86	TA-W-17,337	Coal.
Bershap Co., MIM Dress Co., Arjoy Manufacturing (workers).	New York, NY	4-8-86	3-26-86	TA-W-17,338	Childrens dresses.
Burlington Industries, Burlington Blended Fabrics (workers)	Ashville, NC	4-8-86	4-3-86	TA-W-17,339	Broadwoven apparel fabrics.
Duquesne Lights Co. (IBEW)	Pittsburgh, PA	4-9-86	4-9-86	TA-W-17,340	Electric power to steel mills.
Heckett, Division of Harsco (workers)	Aliquippa, PA	4-9-86	3-28-86	TA-W-17,341	Slag or metal reclamations.
Iron River Plant of Coleman Products (workers)	Iron River, MI	4-8-86	3-24-86	TA-W-17,342	Electronic wire harnesses.
Ottenheimer & Co., Inc. (ACTWU)	Dawson Springs, KY	4-9-86	4-5-86	TA-W-17,343	Fashions uniforms.
Roman's Inc. (ACTWU)	Scranton, PA	4-7-86	4-3-86	TA-W-17,344	Ladies suits and blazers.
St. Joe Resources #2, 3, 4, and Pierrepont Mines (USWA).	Balmant, NY	4-7-86	4-2-86	TA-W-17,345	Mine and mill zinc ore.
Stewart-Warner Corp., Division I (UWA-UE)	Chicago, IL	4-8-86	4-2-86	TA-W-17,346	Lubrication equipment for autos, speedometers gauges and communication equipment.
Stewart-Warner Corp., Division V (UWA-UE)	Chicago, IL	4-8-86	4-2-86	TA-W-17,347	Automotive and electrical products.
J.D. Barrie Sports-wear, Inc. (ILGWU)	Brooklyn, NY	3-21-86	3-19-86	TA-W-17,348	Ladies sportswear.
Dolly Martin, Inc. (ILGWU)	New York, NY	3-21-86	3-19-86	TA-W-17,349	Ladies blouses.
Hamilton Sportswear Co. (ILGWU)	Stroudsburg, PA	3-21-86	3-19-86	TA-W-17,350	Ladies blouses.
Stackpole Corp (The) (IUE)	St. Marys, PA	4-8-86	4-4-86	TA-W-17,351	Pump seals, electrical contacts and relays, molded graphite and copper brush.
Tab Sportswear, Inc. (ILGWU)	Bronx, NY	3-21-86	3-19-86	TA-W-17,352	Ladies sportswear.

[FR Doc. 86-8985 Filed 4-21-86; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-17,092]

Warner Brothers, Incorporated Music Professional Department New York, NY; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on January 21, 1986 in response to a worker petition received on November 20, 1985 which was filed by the International Alliance of Theatrical and Stage Employees on behalf of workers at Warner Brothers, Incorporated, Music Professional Department, New York, New York.

All workers were separated from the subject firm more than one year prior to the date of the petition. Section 223 of the Act specifies that no certification may apply to any worker whose last separation occurred more than one year before the date of the petition. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC. this 14th day of April 1986.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 86-8984 Filed 4-21-86; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-16,485]

Washington Overall Manufacturing Company Scottsville, KY; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18 an application for administration reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at the Washington Overall Manufacturing Company, Scottsville, Kentucky. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–16,485; Washington Overall Manufacturing Company Scottsville, Kentucky (April 14, 1986)

Signed at Washington, D.C., this 14th day of April 1986.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 86–8986 Filed 4–21–86; 8:45 am]

BILLING CODE 4510–30–M

MERIT SYSTEMS PROTECTION BOARD

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Special Panel; Oral Argument; Edward J. Lynch, Jr. v. Department of Education

Oral Argument in the case of *Edward J. Lynch, Jr.* v. *Department of Education.*

Date and Time: Thursday, April 24, 1986, 8 a.m.

Place: Hearing Room, Eighth Floor, 1120 Vermont Avenue, NW, Washington, DC 20419.

Status: Open.

Summary: On April 24, 1986, a Special Panel, as provided by 5 U.S.C. 7702(d) will be convened at 8 a.m. to hear argument in the appeal of *Edward J. Lynch, Jr.* v. *Department of Education,* MSPB Docket Nos. DC07528210746 and DC531D8211379 and EEOC Petition No. 0383003.

FOR FURTHER INFORMATION CONTACT: Ada R. Kimsey, (202) 653–7133.

Dated: April 17, 1986.

Robert E. Taylor,

Clerk of the Board.

[FR Doc. 86–9007 Filed 4–21–86; 8:45 am]

BILLING CODE 7400–1–M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Humanities Panel; Meetings

AGENCY: National Endowment for the Humanities, NFAH.

ACTION: Notice of Meetings.

SUMMARY: Pursuant to the provisons of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

1. Date: May 5–6, 1986.
Time: 8:30 to 5:00 p.m.
Room: 415.
Program: This meeting will review applications submitted for the Public Humanities Projects and Humanities Projects in Libraries Programs, Divisions of General Programs, for projects beginning after October 1, 1986.

2. Date: May 1–2, 1986.
Time: 8:30 to 5:00 p.m.
Room: 415.
Program: This meeting will review applications submitted for the Public Humanities Projects Program, Division of General Programs, for projects beginning after October 1, 1986.

3. Date: May 16, 1986.
Time: 8:30 to 5:00 p.m.
Room: M–14.
Program: This meeting will review applications submitted for the "Humanities Instruction in Elementary and Secondary Schools" programs, for projects beginning after September 1986.

4. Date: May 15, 1986.
Time: 9:00 to 5:00 p.m.
Room: 316–2.
Program: This meeting will review Fellowships for Faculty Graduate Study applications submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1986.

5. Date: May 12, 1986.
Time: 8:30 to 5:30 p.m.
Room: 315.
Program: This meeting will review Summer Seminars for College Teachers in Politics and Society, submitted to the Division of Fellowships and Seminars, for projects beginning after June 1, 1986.

6. Date: May 13, 1986.
Time: 8:30 to 5:30 p.m.
Room: 315.
Program: This meeting will review Summer Seminars for College Teachers in Foreign and Comparative Languages and Literatures, submitted to the Division of Fellowships and Seminars, for projects beginning after June 1, 1986.

7. Date: May 14, 1986.
Time: 8:30 to 5:30 p.m.
Room: 315.
Program: This meeting will review Summer Seminars for College Teachers in British and American Literature, submitted to the Division of Fellowships and Seminars, for projects beginning after June 1, 1986.

8. Date: May 15, 1986.
Time: 8:30 to 5:30 p.m.
Room: 315.
Program: This meeting will review Summer Seminars for College Teachers in Philosophy and Religion, submitted to the Division of Fellowships and Seminars, for projects beginning after June 1, 1986.

9. Date: May 16, 1986.
Time: 8:30 a.m. to 5:30 p.m.
Room: 315.
Program: This meeting will review Summer Seminars for College Teachers in History, submitted to the Division of Fellowships and Seminars, for projects beginning after June 1, 1986.

10. Date: May 19, 1986.
Time: 8:30 a.m. to 5:30 p.m.
Room: 315.
Program: This meeting will review Summer Seminars for College Teachers in Arts, submitted to the Division of Fellowships and Seminars, for projects beginning after June 1, 1986.

11. Date: May 19–20, 1986.
Time: 9:00 a.m. to 5:00 p.m.
Room: M–14.
Program: This meeting will review applications submitted for Central Disciplines in Undergraduate Education—Improving Introductory Courses, Division of Educaton, for projects beginning after April 1, 1986.

12. Date: May 22–23, 1986.
Time: 9:00 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications submitted for Central Disciplines in Undergraduate Education—Promoting Excellence in a Field, and Fostering Coherence Throughout an Institution, Nontraditional Learners, for projects beginning after April 1, 1986.

13. Date: May 5–6, 1986.
Time: 8:30 a.m. to 5:00 p.m.
Room: 415.
Program: This meeting will review applications submitted for the Humanities Projects in Media, Division of General Programs, for projects beginning after October 1, 1986.

14. Date: May 13–14, 1986.
Time: 8:30 a.m. to 5:00 p.m.
Room: 415.
Program: This meeting will review applications submitted for the Humanities Projects in Media, Division of General Programs, for projects beginning after October 1, 1986.

15. Date: May 19–20, 1986.
Time: 8:30 to 5:00 p.m.
Room: 415.
Program: This meeting will review applications submitted for the Humanities Projects in Media, Division of General Programs, for projects beginning after October 1, 1986.

The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial, assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for Humanities, Washington, DC 20506, or call (202) 786–0322.

Susan H. Metts,

Acting Advisory Committee Management Officer.

[FR Doc. 86–8828 Filed 4–21–86; 8:45 am]

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed public meetings of the ACRS Subcommittee and meetings of the full Committee, the following preliminary schedule is published to reflect the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published March 25, 1986 (51 FR 10287). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 A.M. and Subcommittee meetings usually begin at 8:30 A.M. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the May 1986 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone: 202/634–3265, ATTN: Barbara Jo White) between 8:15 A.M. and 5:00 P.M., Eastern Time.

ACRS Subcommittee Meetings

Waste Management, April 24 and 25, 1986, Washington, DC. The Subcommittee will review various topics in the High-Level and Low-Level Radioactive Waste Programs. Topics currently identified for review at the April meeting are: (1) Modeling Strategy for HLW performance assessment, (2) Quality Assurance (addressing safety issues of geologic repositories), (3) the NRC LLW program, (4) several research efforts, including international programs and cooperative agreements, results of modeling workshop, and setting priorities for HLW research, and (5) the Salvaging of Contaminated Smelted Alloys.

Thermal Hydraulic Phenomena, April 29 and 30, 1986, Washington, DC. The Subcommittee will: (1) Continue its review of the NRC's proposal to revise 10 CFR 50.46 and Appendix K, and (2) continue discussions on defining the thermal hydraulic safety issues of most importance that need to be addressed in the future.

Severe (Class 9) Accidents, May 1, 1986, Albuquerque, NM. The Subcommittee will review rebaselining studies for four or five reference plants; part of studies for NUREG–1150, "Nuclear Power Plant Risks and Regulatory Applications."

Scram Systems Reliability, May 6, 1986, Washington, DC. The Subcommittee will continue its review of the ATWS Rule implementation effort.

Safety Research Program, May 7, 1986, Washington, DC. The Subcommittee will discuss the proposed NRC Safety Research Program and Budget for FY 1988 and 1989, and gather information for use by the ACRS in its preparation of the annual report to the Commission on the related matter.

Safety Philosophy, Technology, and Criteria, May 7, 1986, Washington, DC. The Subcommittee will review the NRC Staff's proposed resolution of USI A–17, "Systems Interactions in Nuclear Power Plants."

Babcock and Wilcox (B&W) Reactor Plants, May 19, 1986, Washington, DC. The Subcommittee will consider the B&W Owners Group plan to reasses the long-term safety of B&W reactors, including the implications of operating experience on the adequacy of B&W plant designs. The Subcommittee will also be briefed on the NRC Staff's Incident Investigation Team's (IIT) findings related to the 12/26/85 loss of integrated control system power and overcooling transient at the Rancho Seco nuclear power plant.

Ad Hoc Subcommittee on TVA, May 20, 1986, Washington, DC. The Subcommittee will discuss TVA reorganization and related technical and management issues.

Regulatory Policies and Practices, May 27, 1986, Washington, DC. The Subcommittee will discuss the IIT Process after the issuance of the San Onofre and Davis-Besse IIT reports and the report of the Ad Hoc Independent Review Group on the Davis-Besse Incident.

South Texas Units 1 and 2, May 29 and 30, 1986, Bay City, TX. The Subcommittee will review Houston Lighting and Power Company's application for an operating license.

Reactor Operations, June 2, 1986, Washington, DC. The Subcommittee will review recent events at operating plants.

Severe (Class 9) Accidents, June 3, 1986, Washington, DC. The Subcommittee will review a final draft of NUREG–0956, "Reassessment of the Technical Bases for Estimating Source Terms."

Safety Research Program, June 4, 1986, Washington, DC. The Subcommittee will continue its discussion on the proposed NRC Safety Research Program and Budget for FY 1988 and 1989. It will discuss also a Draft ACRS report to the Commission on this matter.

Long Range Plan for the NRC, June 4, 1986, Washington, DC. The Subcommittee will continue discussions related to long range planning for the NRC. Portions of this meeting may be closed to discuss internal ongoing draft documents.

Westinghouse Reactor Plants, June 26 1986 (tentative), Washington, DC. The Subcommittee will continue discussions and comment on NRC Staff actions taken with respect to the SONGS–1 water hammer/loss of AC power event which occurred on November 21, 1985. This is a follow-up meeting to the February 12, 1986 Subcommittee meeting on the same subject.

Auxiliary Systems, June 26, 1986, Washington, DC. The Subcommittee will discuss: (1) The status of the Appendix R compliance, (2) differing technical views among the Staff, (3) proposed research and associated budget for FY 1988 and 1989 in the fire protection area, and (4) updates on the progress being made in the Sandia experimental program on fire protection.

Davis-Besse, June 27, 1986, Washington, DC. The Subcommittee will review start-up activities for Davis-Besse.

Joint Occupational and Environmental Protection Systems and Auxiliary Systems, June 27, 1986, Washington, DC. The Subcommittees will: (1) Review a draft AEOD report on the effects of ambient temperature on I&C Systems, (2) be briefed on the status of various control room HVAC Systems problems and the Staff's control room habitability improvement effort, (3) discuss with the Staff the 1 mrem/yr "cutoff" dose rate for the calculation of collective population doses, and (4) be briefed on the Staff's evaluation of the Shearon Harris Chilled Water Systems.

Reliability Assurance, July 8, 1986, Washington, DC. The Subcommittee will review the final resolution of USI A–46, "Seismic Qualification of Equipment in Operating Plants."

Extreme External Phenomena, August 5 and 6, 1986, Washington, DC. The Subcommittee will conduct a workshop to review the importance of seismic risk to nuclear power plants.

Spent Fuel Storage, Date to be determined (May/June), Washington, DC. The Subcommittee will continue its review of 10 CFR Part 72 and Monitored Retrievable Storage (MRS).

Decay Heat Removal Systems, Date to be determined (June), Washington, DC. The Subcommittee will review NRR's Action Plan to address concerns with the reliability of certain plants' AFW systems.

Metal Components, Date to be determined (June, tentative), Pittsburgh, PA or Charlotte, NC. The Subcommittee will review the status of NDE of cast stainless steel.

Gas Cooled Reactor Plants, Date to be determined (June), Washington, DC. The Subcommittee will review the applicability of NRC requirements for equipment qualification and cable testing to Fort St. Vrain, an HTGR.

Thermal Hydraulic Phenomena, Date to be determined (June/July), Washington, DC. The Subcommittee will review General Electric's application for use of the SAFER/CORECOOL ECCS Code on BWR nonjet pump plants.

Metal Components, Date to be determined (June/July), Richland, WA. The Subcommittee will visit and review steam generator, degraded piping, and NDE facilities and programs.

Structural Engineering, Date to be determined (June/July), Albuquerque, NM. The Subcommittee will visit and review containment integrity and Category I structures, facilities, and programs.

Decay Heat Removal Systems, Date to be determined (July), Washington, DC. The Subcommittee will begin its review of NRR's proposed resolution position for USI A–45, "Shutdown Decay Heat Removal System."

Seabrook Units 1 and 2, Date to be determined (late summer/early fall), Washington, DC. The Subcommittee will review the application for a full power operating license for Seabrook 1 and 2.

Probabilistic Risk Assessment, Date and location to be determined. The Subcommittee will review the probabilistic risk assessment for Millstone 3.

ACRS Full Committee Meeting

May 8–10, 1986: Items are *tentatively* scheduled

*A *Meeting with NRC Commissioners*—discuss ACRS reports on Implementation of Quantitative Safety Goals and the General Electric Standard Safety Analysis Report (GESSAR–II) (tentative).

*B. *Meeting with Representatives of the Federal Republic of Germany (closed)*—discuss proposed standards, models and plans for the management and disposal of high-level wastes.

*C. *NRC Safety Research Program*—discuss the proposed scope format and schedule for the annual ACRS report to the NRC on the proposed NRC safety research budget for FY 1988 and 1989.

*D. *Reactor Operating Experience*—report of ACRS subcommittee and representatives of the NRC Staff regarding recent incidents and events at nuclear facilities (tentative).

*E. *Systems Interaction*—discuss proposed NRC action plan for resolution of USI A–17, Systems Interactions.

*F. *Decay Heat Removal*—discuss ACRS consideration of activities regarding use of a system making use of bleed and feed operations to remove decay heat directly from the primary coolant systems of PWRs.

*G. *Management and Disposal of Radioactive Waste*—discuss several matters relating to the management and disposal of radioactive waste including salvage of contaminated alloys, modeling strategy for HLW performance assessment, quality assurance for geologic repositories, research efforts and international programs for HLW and LLW. Representatives of the NRC Staff will participate as appropriate.

H. *New ACRS Member (closed)*—discuss qualifications, non ACRS activities and availability of candidates proposed for membership on the ACRS.

*I. *Report of ACRS Subcommittee Activities*—hear and discuss reports of designated ACRS subcommittees regarding related activities including proposed revisions to 10 CFR 50.46, Acceptance Criteria for ECCS for Light Water Nuclear Power Reactors and Appendix K, ECCS Evaluation Models; scram system reliability/implementation of corrective action for ATWS; report of ACRS Management Group regarding meetings on April 9, 1986 and May 7, 1986; and proposed risk rebaselining study for selected nuclear plants.

*J. *Emergency Operating Procedures and Safety Parameter Display Systems*—discuss proposed ACRS comments/recommendations to the NRC regarding these matters.

*K. *Future Activities*—discuss anticipated ACRS activities and proposed items for full committee consideration.

L. *Activities of ACRS Members (closed)*—discuss non-ACRS activities of ACRS members and their impact on Committee activities as appropriate.

June 5–7, 1986—Agenda to be announced.

July 10–12, 1986—Agenda to be announced.

Dated: April 17, 1986.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 86–8980 Filed 4–21–86; 8:45 am]

BILLING CODE 7590–01–M

Draft Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide planned for its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, CE 306–4 (which should be mentioned in all correspondence concerning this draft guide), is entitled "Standard Format and Content for a Topical Safety Analysis Report for a Dry Spent Fuel Storage Cask" and is intended for Division 3, "Fuels and Materials Facilities." It is being developed to provide guidance on the type of information needed by the NRC staff for its evaluation of a Topical Safety Analysis Report for a spent fuel storage cask. The guide also provides a format for submitting this information.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Written comments may be submitted to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory

Commission, Washington, DC 20555. Comments may also be delivered to Room 4000, Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland from 8:15 a.m. to 5:00 p.m. Copies of comments received may be examined at the NRC Public Document Room, 1717 H Street, NW., Washington, DC. Comments will be most helpful if received by June 23, 1986.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 15th day of April 1986.

For the Nuclear Regulatory Commission.

Guy A. Arlotto,

Director, Division of Engineering Technology, Office of Nuclear Regulatory Research.

[FR Doc. 86-8982 Filed 4-21-86; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-15053; 812-6317]

State Mutual Life Assurance Co. et al.; Application for Order Pursuant to Sections 6(c) and 17(d) of the Act, and Rule 17d-1 Thereunder, Amending Prior Order Permitting Certain Joint Transactions

April 15, 1986.

Notice is hereby given that State Mutual Life Assurance Company of America ("State Mutual"), a Massachusetts mutual life insurance company, SMA Life Assurance Company ("SMA"), a Delaware stock life insurance company and a wholly-owned subsidiary of State Mutual, The Hanover Insurance Company ("Hanover"), a New Hampshire stock insurance company 51%-owned by State Mutual, Citizens Insurance Company of America ("Citizens"), a Michigan Insurance Company and a wholly-owned subsidiary of Hanover, (together, "Insurance Companies"), and State Mutual Securities, Inc. ("Fund"), registered under the Investment Company Act of 1940 ("Act"), as a diversified, closed-end management investment company (together, "Applicants"), 440 Lincoln Street, Worcester, Massachusetts 01605, filed an application on March 13, 1986, for an order of the Commission pursuant to sections 6(c) and 17(d) of the Act, and Rule 17d-1 thereunder, amending the conditions prescribed in a prior blanket order originally issued in 1973, and subsequently amended by orders issued in 1976 and 1981 (the "Order"). All interested persons are referred to the application on file with Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the text of the pertinent statutory provisions.

Applicants state that as amended on July 8, 1981, the Order permits State Mutual, subject to certain conditions, to invest concurrently for its general account in each issue of securities purchased by the Fund at direct placement, and to exercise warrants, conversion privileges and other rights concurrently with the Fund. The Order presently does not apply to SMA, Hanover, or Citizens, and therefore Applicant's amendatory request would necessarily include the extension of the scope of the Order to encompass these insurance affiliates of State Mutual. The conditions contained in the Order now require, among other things, that State Mutual offer one-half of all appropriate direct placement investments to the Fund. If the Fund wishes to participate in such investments, it must either participate equally, or obtain an order of the Commission allowing the Fund to acquire a lesser (or greater) than equal percentage than State Mutual. Applicants assert that this advance filing requirement could result in the loss of appropriate investment opportunities because of the substantial time and expense involved in obtaining a Commission exemptive order. On the other hand, Applicants believe that if the Fund were to be able to participate in direct placement opportunities by purchasing less than the entire amount of securities offered to it, the Fund would be able to make investments of a size appropriate for its portfolio.

In order to allow the Fund to continue to participate in appropriate joint investments, while ensuring that the Fund's investment portfolio remains in compliance with diversification requirements, Applicants desire to amend the conditions contained in the Order to allow the Fund to participate in direct placements on a less-than-equal percentage basis with State Mutual and the other Insurance Companies. The Insurance Companies would continue to offer one-half of all appropriate investments to the Fund, and a further order of the Commission would be required specifically allowing the Fund to acquire a percentage of any investment greater than that of the Insurance Companies.

Applicants submit that the order so amended would continue adequately to effectuate the purposes of the Act, and Rule 17d-1 thereunder. Therefore, Applicants request that the Order be amended to rescind all conditions presently set forth therein, and substitute, in lieu thereof, the following conditions:

1. Each time an Insurance Company proposes to participate in a direct placement involving purchase of securities the purchase of which would be consistent with the investment policies of the Fund, the Fund will be offered the opportunity to purchase an amount of each class of such direct placement securities equal to the amount of such direct placement securities proposed to be purchased by the Insurance Company. The Fund may choose to purchase none of such direct placement securities, or any amount of such direct placement securities up to the entire amount of direct placement securities offered to it.

2. If the Fund chooses to participate in such direct placement with such Insurance Company, the Fund may purchase such securities at the same times and at the same unit prices without further order of the Commission. If the Fund chooses to participate in such direct placement but to purchase less than the entire amount of securities offered to it, the Fund's decision must be approved by the board of directors of the Fund, including a majority of the directors who are not "interested persons" of the Fund. The Fund's determination to purchase none or less than all of such direct placement securities and the reasons therefor will be recorded and become a part of the permanent records of the Fund.

3. From time to time two or more Insurance Companies may wish to invest concurrently in a direct placement of securities the purchase of which would be consistent with the investment policies of the Fund. In such cases the Fund will be offered the

opportunity to purchse an amount of each class of such direct placement securities equal to the aggregate amount purchased by the Insurance Companies. If the Fund chooses to invest an amount in such securities which is less than the amount invested by the Insurance Companies, the investment transaction may proceed under (2) above without further order of the Commission. Unless otherwise permitted by special order of the Commission, the Fund will not participate in a direct placement by investing an amount greater than the aggregate amount invested by the Insurance Companies.

4. Unless otherwise permitted by special order of the Commission, neither the Insurance Companies nor the Fund will exercise warrants of a class held by both the Fund and the Insurance Companies, or conversion privileges, or other rights relating to direct placement securities of a class concurrently acquired and held by the Fund and the Insurance Companies, except at the same times and in amounts proportionate to their respective holdings of such securities.

5. Unless otherwise permitted by special order of the Commission, neither the Insurance Companies nor the Fund will sell, exchange, or otherwise dispose of any interest in any direct placement security of a class concurrently acquired and held by both the Fund and the Insurance Companies, unless such dispositions are made at the same times, for the same unit consideration, and in amounts proportionate to their respective holdings of such direct placement securities.

6. The expenses, if any, of the distribution of any securities registered for sale under the Securities Act of 1933 and sold by the Insurance Companies and the Fund at the same time will be shared by the Insurance Companies and the Fund in proportion to the respective amounts they are selling.

For purposes of the Order, any direct placement securities purchased or held by Applicants which are identical in all aspects except for the fact that only the Fund's securities have voting rights shall be considered to be of the same class of securities.

Applicants submit that Order as they propose to amend it will provide the Fund with the necessary flexibility to invest in direct placement securities on an other than equal basis with the Insurance Companies. Applicants submit that it is in the best interest of the Fund to have the flexibility to acquire up to one-half of all direct placement investment opportunities offered to it and the Insurance Companies. If the Fund has the discretion to invest a lesser percentage than the Insurance Companies, it may immediately take advantage of any such opportunity while insuring that its investment in any one issuer is in complaince with diversification requirements and is otherwise prudently proportionate to its own asset base. Since any decision to invest in a lesser percentage than the Insurance Companies must be approved by the board of directors of the Fund, including a majority of the directors who are not interested persons of the Fund, and since the Insurance Companies will always have the same or a greater amount as the Fund "at risk" in each investment, Applicants submit that there are ample safeguards to assure that any participation by the Fund in such direct placements will not be on a basis less advantageous than that of the Insurance Companies.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 9, 1986, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific issues 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 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. 86-8972 Filed 4-21-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-23131; File No. SR-Amex-86-4]

Self-Regulatory Organizations; American Stock Exchange, Inc.; Filing and Order Granting Accelerated Approval of Proposed Rule Change

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 February 19, 1986, the American Stock Exchange, Inc. 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

The American Stock Exchange is proposing to amend its schedule of approved member firm charges for handling proxy solicitations (Rule 576) to: (1) Add the second of a two-part start-up cost reimbursement "surcharge" and (2) fix the reimbursement rate for the periodic furnishing of shareholder information, in connection with the new SEC Shareholder Identification Rule. The text of the proposed rule change is available at the Exchange, care of the Office of the Secretary, and at the Commission.

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 the Statutory Basis for, the Proposed Rule Change

(1) Purpose

The new SEC Shareholder Identification Rule (Rule 14b-1(c)) became effective on January 1 of this year. The rule requires broker-dealers, upon request and assurance of reimbursement of reasonable expenses, to provide issuers with the names, addresses, and security positions of their non-objecting customers whose securities are held in "street name". The rule is intended to improve the process by which issuers identify and communicate with their "street name" shareholders.[1]

An ad hoc committee composed of corporate, banking, and brokerage firm representatives under the direction of the New York Stock Exchange, Inc. ("NYSE") was formed to consider the

[1] *See* note 4, *infra.*

issue of compensating brokers for the costs incurred in obtaining and furnishing the required shareholder information to issuers. In December 1984, the Ad Hoc Committee recommended that broker start-up costs for soliciting consents from "street name" holders and establishing the basic data files, estimated at between $18 to $25 million, be recouped at least in part through a surcharge on issuers of $.20 for each set of proxy materials processed by member firms during 1985 and 1986 proxy seasons. To provide for this surcharge, the NYSE and Amex were asked to amend their schedules of approved member firm charges for handling proxy solicitations (NYSE Rule 451 and Amex Rule 576). The Amex Board approved the two-part surcharge last February.

After review, the Commission agreed to approve the first stage of the proposed surcharge ($.20 for 1985),[2] but asked for further supporting evidence of start-up costs before approving the second stage surcharge for 1986. A survey was conducted for the Ad Hoc Committee by the NYSE to obtain the latest available data on start-up costs incurred by member firms as well as the amount of these costs recouped by firms through the initial 1985 proxy surcharge. Following its review of the study, the Committee recommended a second (and final) surcharge of 18½¢ per proxy for the 1986 proxy season, rather than the 20¢ charge originally recommended. It is believed that the aggregate surcharge of 38½¢ for both 1985 and 1986 will be sufficient to reimburse the brokerage industry as a whole.

The Ad Hoc Committee also considered the reimbursement of brokers' reasonable costs for maintaining and providing beneficial owner data to issuers on an on-going basis. The Committee recommended that the charge for providing beneficial owner information to requesting issuers be set at 6½¢ per customer name. Again, this amount is expected to provide fair reimbursement to the industry.[3]

[2] The Amex's initial $.20 surcharge on proxy materials was approved by the Commission in Securities Exchange Act Release No. 34-21915 (April 1, 1985), 50 FR 14069 (File No. SR-Amex-85-2).

[3] The Independent Election Corporation of America ("IECA") has been approved by the Ad Hoc Committee to serve as the primary intermediary between issuers and brokers in supplying beneficial owner information. The fee the intermediary charges the issuer will be in addition to the 6½¢ fee charged by the broker.

The Ad Hoc Committee's recommendations, both the 18½¢ surcharge and the 6½¢ recurring fee, have been endorsed by the Securities Industry Association ("SIA") and the American Society of Corporate Secretaries, and an amendment to the applicable NYSE rule was approved by that exchange's Board in December. A proposed amendment to Amex Rule 576 incorporating these recommendations is now being presented to the SEC for its approval.

(2) Basis

The statutory basis for the proposed rule change in section 6(b)(5) of the Securities Exchange Act of 1934 as amended ("the Act") which, among other things requires exchange rules to be designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers, or to regulate by virtue of any authority conferred by this title matters not related to the purposes of this title or the administration of the Exchange.

In addition, the rule change is intended to enhance the requirements of Rules 17a-3(a)(9)(ii) and 14b-1(c) under the Act concerning the reimbursement to brokers of costs associated with those rules, including start-up and overhead costs and the costs of providing beneficial ownership information to requesting issuers.

B. Self-Regulatory Organizations's Statement on Burden on Competition

The proposed rule change will have no adverse impact on competition.

C. Self-Regulatory Organizations Statement on Comments on the Proposed Rule change Receive from Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. 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 and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, 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, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organizaion. All submissions should refer to the file number in the caption above and should be submitted by May 13, 1986.

IV. Date of Effectiveness of the Proposed Rule Change

On February 11, 1986, the Commission approved a proposal by the NYSE to implement charges by member organizations to issuers in connection with their compliance with the requirements of Rules 14b-1(c) and 17a-3(a)(9)(ii) under the Act.[4] In that

[4] Securities Exchange Act Release No. 22889 (February 11, 1986) 51 FR 5821 (File No. SR-NYSE-85-43). The Commission approved an initial one year $.20 surcharge for annual meeting proxy solicitations in Securities Exchange Act Release No. 21900, March 28, 1985, 50 FR 13297.

In July, 1983, the Commission adopted new paragraph (c) of Rule 14b-1 under the Act to imporve the process whereby issuers communicate with shareholders whose securities are held in street name. Securities Exchange Act Release No. 20021 (July 28, 1983), 48 FR 35082. New paragraph (c) required brokers to provide issuers, upon request and assurance of reimbursement of reasonable expenses (direct and indirect), with the names, addresses and securities positions of customers who are beneficial owners of the issuers' securities and who have not objected to such disclosure. The Commission also adopted a corresponding amendment to Rule 17a-3(a)(9) under the Act to require that the customer records maintained by brokers for street name holders include whether the beneficial owner has objected to the disclosure to issures of his or her identity, address, and securities positions.

In October 1985, the Commission further amended the shareholder communication rules. Rule 14b-1 was amended to allow a broker or dealer to employ an intermediary to act as its designated agent in performing its obligations under the rules. The amendments further specified the time frames within which brokers must perform those actions requested by the issuer as required under the rules. *See e.g.*, Rule 14b-1 (a), (b), (c). New Rule 14b-1(d) makes clear that, without assurance of reimbursement by the issuer of reasonable direct and indirect expenses incurred in connection with performing its obligations under the rules, a broker or dealer need not satisfy its obligations under Rule 14b-1 (b) or (c). These amendments became effective January 1, 1986. Securities Exchange Act Release No. 22533 (October 15, 1985), 50 FR 42672.

proposal the NYSE sought authorization for a second and final $.185 surcharge on proxy solicitations to complete recoupment of startup costs incurred in connection with complying with shareholder notification requirements and also sought approval for a rate of reimbursement for costs incurred in providing beneficial ownership information to requesting issuers of $.065 per name. In reviewing the basis for these proposed charges, the Commission considered that data collected for the Ad Hoc Committee by the NYSE in support of a final surcharge of $.185 to reimburse brokers for startup costs and the estimate given by representatives of the SIA to the Ad Hoc Committee of a cost of $.065 per name for providing beneficial ownership information to requesting issuers. The Commission determined that the need for the second and final surcharge was supported by the data and that the estimates from the SIA would provide a reasonable rate of reimbursement for brokers providing beneficial ownership information to requesting issuers.

The Amex proposal would implement the same types of charges in the same amounts that the Commission approved in the prior NYSE proposal. Further, in support of its proposed charges, Amex uses the same cost data and estimates relied upon by the NYSE in its proposal. The Commission continues to believe that the cost data developed by the NYSE and the cost estimates of the SIA support the requested second and final proxy surcharge and establish a reasonable rate of reimbursement for brokers providing beneficial ownership information to requesting issuers.

The Commission therefore finds that the proposed rule change is consistent with the requirements of the act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of section 6, and the rules and regulations thereunder.

The Commission further finds good cause for approving the proposed rule change prior tothe thirtieth day afte rthe date of publication of notice of filing thereof, in that the Commission, as discussed above, already has approved a similar proposal from the NYSE and it is necessary and appropriate for the proposed proxy surcharge to be implemented in time to accmmodate proxy activity of the current proxy season.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rules change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 15, 1986.

John Wheeler,

Secretary.

[FR Doc. 86-8968 Filed 4-21-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-23128; File No. SR-OCC-86-06]

Self-Regulatory Organizations; Options Clearing Corporation; Proposed Rule Change Amending Stock Option and Index Option Escrow Receipt Forms

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 24, 1986, Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission the proposed rule change described below. The proposal would amend OCC's index option and stock option escrow receipt forms[1] to provide an alternative formula for calculating the amount of escrow receipts that a custodian bank may have outstanding at any one time. The proposal also would update the stock option escrow receipt form adopting improved language from the more recently drafted index option escrow receipt form. OCC requested that the Commission approve the proposal on an accelerated basis under section 19(b)(2) of the Act. The Commission is publishing this notice to solicit comment.

I. Description of the Proposal

To place an outer limit on OCC's known financial exposure if a bank issuing escrow receipts for OCC Clearing Members should fail, OCC currently requires OCC-approved escrow banks, when issuing an escrow receipt, to warrant that the total value of collateral, *i.e.*, cash, cash equivalents and securities (at market value), deposited under all outstanding escrow receipts and option guarantee letters does not exceed 25% of the bank's shareholders' equity.[2] Escrow banks agree to this limitation, among others, by executing an OCC Escrow Receipt Form.[3]

OCC's proposal would revise its escrow receipt forms to provide escrow banks an alternative, less restrictive formula for limiting the amount of escrow receipts that they may have outstanding. Specifically, new clause (c)(ii) would use the escrow-related option's "intrinsic" value *i.e.*, the "in-the-money" amount, as the formula's basis. Thus, escrow banks could continue to issue escrow receipts until the "in-the-money" value of the escrow-related short options reach 25% of shareholders' equity. Banks choosing to use the new formula would be required to calculate daily the percentage of the aggregate "in-the-money" amount of the escrow-related options to shareholders' equity and to provide the results of the calculations to OCC each month.

The proposal also would make several technical revisions in OCC's stock option escrow receipt. Specifically, the proposal expressly recognizes that: (i) An escrow bank can be authorized to act on behalf of a customer's agent (the form currently provides that the bank is authorized by the customer); (ii) a short options position covered by an escrow receipt may be assigned in part; and (iii) an escrow bank may issue escrow receipts on securities held in its account at a financial intermediary (*e.g.*, a securities depository). Finally, the amended form would expressly prohibit an escrow bank from asserting any lien or right of offset with respect to securities underlying escrow receipts, and would require the bank to notify OCC and other interested parties if any third party asserts a claim against those securities.

II. OCC's Rationale for the Proposal

OCC states in its filing that covered index call writing among institutional customers has become popular, largely due to the introduction of the index

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[1] *See* Securities Exchange Act Release No. 22324 (August 13, 1985), 50 FR 33443 (August 19, 1985) amending OCC Rule 1801 to permit, on a pilot basis, OCC Clearing Members to deposit with OCC escrow receipts, collateralized by any combination of cash, cash equivalents, and exchange-listed or OTC margin stocks, in lieu of OCC margin on short index call option positions carried for customer accounts. Under the terms of the escrow receipt, the customer on whose behalf a Clearing Member makes a deposit authorizes the liquidation of the deposit to the extent necessary to perform the issuing bank's obligations to OCC. The bank must monitor the value of deposited property and notify OCC if the property's value falls to less than 50% of the number of option contracts covered by the deposit times the aggregate current index value of the underlying index. At that time, OCC may disregard the escrow receipt and require the Clearing Member to deposit OCC margin regarding the short positions previously covered by the escrow receipt. *See also* OCC Rule 610 which governs generally the deposit of underlying securities for margin purposes.

[2] In calculating the value of deposited property, cash equivalents and common stocks are valued at their closing sale prices (if subject to last sale reporting) or closing bid prices (if not subject to last sale reporting) on the day the bank issues an escrow receipt.

[3] OCC currently has two Escrow Receipt Forms; one for index option escrows and another for stock option escrows. The proposal amends both forms.

option escrow receipt in 1985.[4] This popularity, in turn, has led to a substantial increase in escrow deposits. OCC represents that, because of this increased activity, some escrow banks have exhausted their capacity for issuing escrow receipts under OCC's present "gross collateral valuation" formula. OCC designed that formula to limit OCC's exposure in the event an escrow issuing bank were to fail without properly segregating collateral underlying its outstanding escrow receipts. OCC now believes that its exposure in this circumstance would be measured more accurately by using the intrinsic value, *i.e.*, the "in-the-money" amount of the options covered by the escrow receipt, rather than the gross value of the deposited collateral. Because the proposed formula is more complex than the existing formula, some escrow banks may be unable or unwilling to modify their automated systems to perform the necessary calculations. Therefore, OCC is proposing the new formula as an alternative to the original formula. Thus, escrow banks wishing to stay with the existing formula and lower ceiling on their escrow activity may do so.

OCC believes the proposal is consistent with the purposes and requirements of section 17A of the Act because it would increase escrow banks' capacity for issuing escrow receipts, thereby facilitating greater institutional participation in the index options markets, while providing reasonable safeguards for OCC's protection. OCC further states that the proposed changes in the stock option escrow receipt form would eliminate unnecessary inconsistancies between the language of OCC's two forms of escrow receipt.

III. Request for Comment.

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 such proposed change or institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons can submit written comments about the proposal by filing six copies of their comments with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 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, D.C. 20549. Copies of the filing also will be available for inspection and coping at OCC's principal office. All comments should refer to the file number in the caption above and should be submitted by May, 13, 1986.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: April 15 1986.

John Wheeler,

Secretary.

[FR Doc. 86-8969 Filed 4-21-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-23129; File No. SR-Phlx-86-12]

Self-Regulatory Organizations; Filing and Order Granting Accelerated Approval of Proposed Rule Change by Philadelphia Stock Exchange, Inc. Relating to Extension of the Pilot Program for Procedures for Pricing Standard Odd-Lot Market Orders of the American Telephone and Telegraph Divestiture Issues

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), ("Act") notice is hereby given that on April 2, 1986, the Philadelphia Stock Exchange, Inc. ("Phlx") filed with the Securities Exchange Commission the proposed rule change, described in Items I, II and III below. 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

The proposed rule change consists of an extension of a pilot program relating to procedures regarding the pricing of standard odd-lot market orders in American Telephone and Telegraph Co. divestiture issues. The pilot program was approved originally for nine months, commencing November 21, 1983, and extended another six months to February 21, 1985.[1] At this time, the Phlx is requesting an additional eighteen month extension of the pilot to August 21, 1987.

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 III below.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose.

The Exchange requests the extended period in order to further assess the results of the pilot pricing system under actual market conditions.

(2) Statutory Basis for Proposed Rule Change.

Extension of the pilot program will be consistent with those provisions of the Act, which encourage the use of new data processing and communications techniques which create the opportunity for more efficient and effective market operations.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange states that the proposed rule change will not impose any burden on competition that is not justified in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received writtten comments on the proposed rule change.

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[4] *See* note *supra*. The ability to cover short index options positions with escrow receipts has enabled institutional investors with diversified stock portfolios to adopt large-scale covered index call writing programs. In this manner, institutional investors not only have increased their returns on their portfolios, but their call writing strategies have served as a limited hedge against downward portfolio price movements.

[1] *See* Securities Exchange Act Release Nos. 20398 (November 18, 1983), 48 FR 5377 and 21337 (September 20, 1984), 49 FR 37888. The Exchange did not file a proposed rule change with the Commission for an extension of the pilot program after the original extension expired on February 21, 1985.

III. 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 and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, 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 such filing also will be available for inspection and copying at the Phlx. All submissions should refer to the file number in the caption above and should be submitted by May 13, 1986.

IV. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of the notice of filing thereof, in that further extension of the pilot will permit the program to continue uninterrupted and will permit the Phlx to evaluate the need for specific systems enhancements to the odd-lot execution process in connection with any future proposals to the Commission for changes to the Phlx odd-lot procedures. Further, the Commission notes that it has approved, on an accelerated basis, a substantially similar proposal for the New York Stock Exchange.[2]

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[2] *See* Securities Exchange Act Release No. 22983 (March 7, 1986), 51 FR 8731.

Dated: April 15, 1986.

John Wheeler,

Secretary.

[FR Doc. 86-8970 Filed 4-21-86; 8:45 am]

BILLING CODE 8010-01-M

Release No. 34-23130; File No. PHLX 86-11]

Self-Regulatory Organizations; Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to Minor Disciplinary Action Plan

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 March 21, 1986, the Philadelphia Stock Exchange, Inc. 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

The Philadelphia Stock Exchange, Inc. ("Exchange") proposes to revise its disciplinary procedures for the disposition of violations of Options Floor Procedure Advices ("Advices"). A summary of the revised procedure is set forth below.

Under the Exchange's proposed minor rule violation plan, the Advices will be deemed to be minor rules. Alleged violations of any of these Advices may result in the staff of the Exchange Market Surveillance Department serving the alleged violator with notice of the alleged violation.[1] The form for notice of violations will set forth the name of the member or member organization, or any partner, officer, director or person employed by or associated with any member or member organization, alleged to have violated any such Advice, the date of the notice to such alleged violator, the violation at issue, and the fine for such violation.[2]

[1] The Exchange submitted, in conjunction with the Proposed Rule Change, the complete text of the revised procedure, a complete list of the Options Floor Procedure Advices and the proposed form for notice of alleged violations of the Advices. These forms are available for inspection and copying at the places specified in Item IV of this notice.

The Exchange anticipates adding other minor rules to this list of Advices and fines from time to time. After such additions have been appropriately approved by the Exchange, such additions will be submitted to the Commission as amendments to this filing for Commission review.

The alleged violator will be provided not less than seven business days to decide whether to contest the violation or pay the fine. If the alleged violator decides not to contest such violation, under the Commission's amendments to Rule 19d-1 and the minor rule violations plan, these violations will not be deemed "final" disciplinary action for the purpose of Rule 19d-1 and the violator's own records. If the alleged violator decides to contest the violation, the matter will be referred to the Business Conduct Committee ("Committee") for their consideration and determination.

The Committee may then (a) decide that the matter be dismissed and the notice of alleged violation be rescinded; (b) decide that the notice, as issued, is valid, whereupon the alleged violator could either pay the fine or contest the matter before a hearing panel; (c) decide that the notice, as issued, should be modififed to specify either a higher or lower fine than the one on the notice as issued, whereupon the alleged violator could either pay the new fine or contest the matter before a hearing panel; or (d) decide that the matter merits formal disciplinary action and authorize issuance of a Complaint, pursuant to Exchange Rule 960.2.

If a disciplinary proceeding thereafter results, and the Hearing Panel determines that the alleged violator has violated the Advice(s), the Hearing Panel shall (a) be free to impose any disciplinary sanction provided for in Exchange Rules 960.1-960.12 and (b) determine whether the violation is minor in nature. If determined to be minor in nature, the violation(s) giving rise to the penalty shall not be publicly reported by the Exchange to its membership, except as may be required pursuant to Rule 19d-1, or as may be required by any other regulatory authority; if determined not to be minor in nature, the decision of the Hearing Panel and any penalty imposed shall be publicly reported to the Exchange membership, in addition to any filing required by Rule 19d-1, or any other regulatory authority, once such decision becomes "final" under Exchange Rules 960.1-960.12.

Under this plan, before notice is given of the alleged violation to the alleged violator on said form, the Exchange staff will reserve the right to recommend to the Committee in any given matter that the violation at issue should not be deemed "minor," in the context of this plan, but should rather be formal disciplinary action authorized by the Committee under Exchange Rule 960.2. The Committee may, in turn, accept or reject this recommendation. If the

Committee rejects the recommendation, the staff will serve the said notice; if the Committee accepts the recommendation, it will authorize that a formal Complaint be issued for such violation as prescribed by Exchange Rule 960.2.

If the alleged violator decides to pay the fine imposed under said disciplinary notice, his violation will be deemed to have been minor in nature and the violation will be reported to the Commission on a quarterly basis on the reporting form.

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 Statements of the Purpose of, and Statutory Basis for the Proposed Rule Change

The purpose of the minor rule violation plan is to provide for the fair, effective, and expeditious disposition of violations of said Advices. The implementation of such a plan would benefit the Exchange in several ways: (a) Violators of such Advices could be summarily cited for violations without the Business Conduct Committee having to exercise its discretion on a case-by-case basis (though in every case this Committee would maintain discretion to authorize formal disciplinary action under Exchange Rule 960.2); (b) the imposition of pre-set sanctions for violation of these Advices would promote fair treatment of violators; and (c) if the alleged violator of an Advice did not contest the allegation and the sanction imposed were a fine of less than $2,500, the Exchange could report these violations to the Commission quarterly and in abbreviated fashion.

B. Self-Regulatory Organizations Statement on Burden on Competition

The minor rule violation plan is consistent with section 6(b) of the Act, in general, and furthers the objectives of section 6(b) (1) and (7), in particular, in that it enhances the effectiveness and fairness of its procedures for the disciplining of members and member firms.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The plan has been approved by the Exchange's Options and Business Conduct Committees as well as the Exchange Board of Governors.

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 such 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 and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, 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 such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by May 13, 1986.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

April 15, 1986.

[FR Doc. 86-8971 Filed 4-21-86; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Boston Stock Exchange, Incorporated

April 16, 1986.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

BANC One Corp.
Common Stock, No Par Value (File No. 7-8911)

Glenfed, Inc.
Common Stock, $0.01 Par Value (File No. 7-8912)

Herman's Sporting Goods, Inc.
Common Stock, $0.01 Par Value (File No. 7-8913)

Morgan Stanley Group, Inc.
Common Stock, $1.00 Par Value (File No. 7-8914)

L.F. Rothschild, Uterberg, Towbin Holding, Inc.
Common Stock, $1.00 Par Value (File No. 7-8915)

Triton Energy Corporation
Convertible Exchange Preferred, No Par Value (File No. 7-8916)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before May 7, 1986, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549.

Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86-8999 Filed 4-21-86; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Cincinnati Stock Exchange, Inc.

April 16, 1986.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stock:

AM International, Inc.
Preferred Stock, $0.01 Par Value (File No. 7–8917)

This security is listed and registered on one or more other national securities exchange and is reported in the consolidated transaciton reporting system.

Interested persons are invited to submit on or before May 7, 1986 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86–9002 Filed 4–21–86; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

April 16, 1986.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

Ausimont Compo N.V.
Dutch Guilderf Stock (File No. 7–8923)
Triton Energy Corporation
Convertible Exchangeable Preferred Stock (File No. 7–8924)
R.J. Financial Corporation
Common Stock, $0.10 Par Value (File No. 7–8925)
Cannon Group Inc.
Common Stock, $0.01 Par Value (File No. 7–2926)
Trammell Crow Real Estate Investors
Shares of Beneficial Interest, $0.01 Par Value (File No. 7–8927)
British Telecommunications PLC
Final American Depositary Receipt (File No. 7–8928)
Portland General Corporation (Holding Company)
Common Stock, $3.75 Par Value (File No. 7–8929)
York International Corporation
Common Stock, $.001 Par Value (File No. 7–8930)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before May 7, 1986 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86–9000 Filed 4–21–86; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Pacific Stock Exchange, Inc.

April 16, 1986.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

Norfolk Southern Company
Common Stock, $1.00 Par Value (File No. 7–8918)
Healtamerica Corporation
Common Stock, $.01 Par Value (File No. 7–8919)
Rexnord, Inc.
Common Stock, $1.00 Par Value (File No. 7–8920)
American General Corporation
Warrants to Purchase Common Stock (File No. 7–8921)
Snap-on Tools Corporation
Common Stock, $1.00 Par Value (File No. 7–8922)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before May 7, 1986, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549.

Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86–9001 Filed 4–21–86; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

ACTION: Notice of Reporting Requirements Submitted for Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATE: Comments should be submitted within 21 days of this publication in the **Federal Register**. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Copies of forms, request for clearance (S.F. 83), supporting

statements, instructions, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Submit comments to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: Richard Vizachero, Small Business Administration, 1441 L Street, NW., Room 200, Washington, DC 20416, Telephone: (202) 653–8538

OMB Reviewer: Patricia Aronsson, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503, Telephone: (202) 395–7231

Title: Governor's Request for Disaster Declaration

Frequency: On occasion

Description of Respondents: The Governor of the affected states makes a written request stating the incident that occurred, the time and place and certify that SBA criteria have been met.

Annual Responses: 110

Annual Burden Hours: 2200

Type of Request: Extension

Title: Annual Update of 8(a) Application and Business Plan

Form no. SBA 1450

Frequency: Annually

Description of Respondents: Program participants are required to update their personal and business eligibility statements and business plan on an annual basis as a condition of program participation.

Annual Responses: 2400

Annual Burden Hours: 24,000

Type of Request: Reinstatement

Dated: April 15, 1986.

Richard Vizachero,

Chief, Administrative Procedures and Documentation Section, Small Business Administration.

[FR Doc. 86–8963 Filed 4–21–86; 8:45 am]

BILLING CODE 8025–01–M

Business Loans; Change of FTA Contractor and Announcement of New Fee Schedule

AGENCY: Small Business Administration.

ACTION: Notice of new contractor and fee schedule.

SUMMARY: The Small Business Administration has permitted Fidata Trust Company of New York (Fidata) to assign the fiscal and transfer agency contract for the secondary market in guaranteed portions of loans made pursuant to section 7(a) of the Small Business Act to Colson Acquisitions Corporation (Colson). The effective date of the assignment was April 7, 1986.

SBA agreed as a condition of acceptance of the Contract by Colson Acquisitions Corporation to a new fee schedule. The new schedule is effective immediately upon publication in the **Federal Register** and is described below.

FOR FURTHER INFORMATION CONTACT: Jim Hammersley (202) 653–5954 or Alan Mandel (202) 653–6696, Room 800, 1441 L St. NW., Washington, DC 20416.

SUPPLEMENTARY INFORMATION: SBA has agreed to the imposition of the new fee schedule as a condition of its contract with Colson, a result of the problems generated by the current fee schedule. Service has deteriorated to a level considered unacceptable by SBA and the lending and investment community.

The current contractor, Fidata Trust Company, has indicated that the company has suffered significant losses on the contract during the past year. Neither SBA nor the contractor was able to locate an assignee that would accept the contract on its current terms. Acceptance of the contract by Colson was conditioned upon negotiation of new terms with SBA. It should be noted that while SBA did have to grant approval for assignment of the contract, Fidata had the responsibility for selecting a proposed assignee. SBA has met with the principals of Colson and is convinced that the company can provide a superior level of service at a fair price. The new fee shcedule is as follows:

(a) For individual guaranteed interests sold using the FTA system prior to January 7, 1985.

(i) an original issuance fee of 1/16th of 1% of the Guaranteed Interest as of the date of sale to the purchaser, payable by the Purchaser or Holder, as the case may be, at the time of presentation to the FTA of each SBA form 1085 or 1086, as the case may be, with request to issue a Certificate;

(ii) a servicing fee of ⅛ of 1% per annum computed on the unpaid balance of the Guaranteed Interests for the period of actual services performed by the FTA, which fee is to be deducted by the FTA from the amount remitted by the lender to the FTA; and

(iii) A Certificate issuance fee payable by the transferee not to exceed $20.00 per transfer.

(b) For individual Guaranteed Interests in which the initial sale by the lender or the first transfer in which the transferor was required to register the guaranteed interest on the FTA system occurred between January 7, 1985 and prior to April 22, 1986, the FTA is authorized to collect the following fees:

(i) a Certificate issuance fee payable by the transferee not to exceed $20.00 per transfer.

(ii) a servicing fee of ⅛ of 1% per annum computed on the unpaid balance of any such Guaranteed Interest transferred on or after April 22, 1986, for the period of actual services performed by the FTA, which fee is to be deducted by the FTA from the amount remitted by the lender to the FTA;

(c) For individual Guaranteed Interests in which the initial sale by the lender or the first transfer in which the transferor was required to register the guaranteed interest on the FTA system occurs on or after April 22, 1986, the FTA is authorized to collect the following fees:

(i) an original issuance fee of $75.00, payable by the Purchaser or Holder, as the case may be, at the time of presentation to the FTA of each SBA form 1085 or 1086, as the case may be, with request to issue a Certificate;

(ii) a servicing fee of ⅛ of 1% per annum computed on the unpaid balance of the Guaranteed Interests for the period of actual services performed by the FTA, which fee is to be deducted by the FTA from the amount remitted by the lender to the FTA; and

(iii) a Certificate issuance fee payable by the transferee not to exceed $20.00 per transfer.

(d) For Guaranteed Interests included in pools, the FTA is authorized to collect the following fees:

(i) an application/pool formation fee of $30.00 per Guaranteed Interest for each Guaranteed Interest included in a particular pool, up to a maximum of $600 per pool for any pool application submitted on or after April 22, 1986; and

(ii) a servicing fee of ⅛ of 1% per annum computed on the unpaid balance of the Guaranteed Interests for the period of actual services performed by the FTA, which fee is to be deducted by the FTA from the amount remitted by the lender to the FTA, however, in no case will such FTA fee exceed ⅛ of 1% per annum for an individual guaranteed interest. If a servicing fee is being collected on a Guaranteed Interest prior to its inclusion in a pool, no additional servicing fee will be permitted when the Guaranteed Interest is put in a pool; and

(iii) a Certificate issuance fee payable by the transferee not to exceed $20.00 per certificate per transfer. Such $20.00 fee will be charged for all certificates issued, including dividing an existing certificate."

SBA will accept comments on this new fee schedule. They should be addressed to: Associate Administrator for Finance and Investment, Small

Business Administration, Room 800, 1441 L St. NW., Washington, DC 20416.

(Catalog of Federal Domestic Assistance Programs, 59.012 Small Business Loans)

Dated: March 26, 1986.

James C. Sanders,

Administrator.

[FR Doc. 86-8257 Filed 4-21-86; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 960]

Agency Forms Submitted for OMB Review

AGENCY: Department of State.

ACTION: In accordance with the provisions of the Paperwork Reduction Act of 1980, the Department has submitted proposed collections of information to the Office of Management and Budget for review.

SUMMARY: The following summarizes the information collection proposals submitted to OMB:

(1) *Title of information collection*—Application for Immigrant Visa and Alien Registration (OMB No. 1405-0015)
Form Number—OF-230
Type of request—Extension
Frequency—On occasion
Respondents—Foreign nationals
Estimated number of responses—350,000
Estimated number of hours needed to respond—116,666.

(2) *Title of information collection*—Notification of Appointment of Foreign Diplomatic Officer
Form Number—1497
Type of request—New
Frequency—On occasion
Respondents—Foreign government personnel
Estimated number of responses—800
Estimated number of hours needed to respond—200

(3) *Title of information collection*—Notice of Final Departure of Foreign Diplomatic Officer
Form Number—DS-1497A
Type of request—New
Frequency—On occasion
Respondents—Foreign government personnel
Estimated number of responses—800
Estimated number of hours needed to respond—67

(4) *Title of information collection*—Notification of Appointment of Foreign Government Employee
Form Number—DS-394
Type of request—New
Frequency—On occasion
Respondents—Foreign government personnel
Estimated number of responses—5,000
Estimated number of hours needed to respond—1,250

(5) *Title of information collection*—Notice of Termination of Employment with a Foreign Government.
Form Number—DS-394A
Type of request—New
Frequency—On occasion
Respondents—Foreign government personnel
Estimated number of responses—5,000
Estimated number of hours needed to respond—417.

(6) *Title of information collection*—Notification of Appointment of Foreign Consular Officer
Form Number—DSP-96
Type of request—New
Frequency—On occasion
Respondents—Foreign government personnel
Estimated number of responses—850
Estimated number of hours needed to respond—213

(7) Title of information collection—Notice of Termination of Employment of Foreign Consular Officer
Form Number—DSP-96A
Type of request—New
Frequency—On occasion
Respondents—Foreign government personnel
Estimated number of responses—850
Estimated number of hours needed to respond—71.

Section 3504(h) of Pub. L. 96-511 does not apply.

Additional Information or Comments: Copies of the proposed forms and supporting documents may be obtained from Gail J. Cook (202) 647-3538. Comments and questions should be directed to (OMB) Francine Picoult (202) 395-7231.

Dated: April 10, 1986.

Donald J. Bouchard,

Assistant Secretary for Administration.

[FR Doc. 86-8899 Filed 4-21-86; 8:45 am]

BILLING CODE 4710-24-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA); Special Committee 156—Potential Interference to Aircraft Electronic Equipment From Devices Carried Aboard; Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 156 on Potential Interference to Aircraft Electronic Equipment from Devices Carried Aboard, to be held on May 13-14, 1986, in the RTCA Conference Room, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC, commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Ninth Meeting's Minutes; (3) Review of Task Assignments: a. Validation, refinement and substantiation of path loss data, b. Report on further liaison with FCC, c. Vulnerable frequency selection, d. Review RTCA Paper No. 436-85/SC156-110 with regard to SATCOM, Glide Slope, TACAN and MLS data relative to how this information integrates with other collected material, e. Incorporate material from RTCA Paper No. 82-86/SC156-134 on comparison of RTCA and VDE standards into an appendix, f. Report on electric shavers, g. Provide a Part 15 FCC regulation briefing, h. Describe how the likely "vulnerable" communications and navigation frequencies were selected and why some frequencies were not included, i. Identify the tolerance of aircraft communications and navigation system to the type of spurious radiation that might be expected from passenger-operated devices, j. Develop a chart comparing FCC/DO-160B and VDE/B for frequencies of interest; (4) Integrate assigned sections into a first draft of the committee report; (5) Other business; and (6) Date and place of next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may persent oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued In Washington, DC, on April 16, 1986.

S.B. Portizky,

Designated Officer.

FR Doc. 86-8891 Filed 4-21-86; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA), RTCA Executive Committee; Notice of Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Executive Committee to be held on May 16, 1986, in the RTCA Conference Room, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC, commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Meeting Held March 25, 1986; (3) Executive Director's Report; (4) Special Committee Activities Report for March-April 1986; (5) Consideration of Proposals to Establish New Special Committees; (6) Consideration of Approval of Reports by Special Committees: a. SC–137 Proposed "Minimum Operational Performance Standards for Airborne Area Navigation Equipment Using Omega/VLF Inputs," b. SC–154 Proposed "Minmum Operational Performance Standards for Airborne Thunderstorm Detection Equipment"; (7) Other Business; (8) Date and place of next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC 20005; (202) 682–0266. Any member of the public may present at written statement to the committee at any time.

Issued in Washington, DC, on April 16, 1986.

S.B. Poritzky,

Designated Officer.

[FR Doc. 86–8693 Filed 4–21–86; 8:45 am]

BILLING CODE 4910–13–M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 77
Tuesday, April 22, 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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SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCENENT: [To be published]

STATUS: Open/close meetings.

PLACE: 450 Fifth Street, NW., Washington, DC.

DATE PREVIOUSLY ANNOUNCED: Thursday, April 10, 1986.

CHANGE IN THE MEETING: Deletion/ additional items.

An open meeting scheduled for Thursday, April 17, 1986, at 2:30 p.m. was cancelled.

Oral argument on appeals by Rooney Pace, Inc., a registered broker-dealer, Randolph K. Pace, its president, and the Commission's Division of enforcement, from an administrative law judge's initial decision. For further information, please contact R. Moshe Simon at (202) 272–7400.

A closed meeting scheduled for Thursday, April 17, 1986, following the 2:30 p.m. open meeting, was cancelled.

Post oral argument discussion.

The following item will be considered at an open meeting scheduled for Thursday, Aapril 22, 1986, at 2:30 p.m.

The Commission will consider accounting for oil price declines. For further information, please contact Howard Hodges at (202) 272–2553.

Commission Peters, as Duty Officer, determined that Commission business required the above changes and that not earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Kathryn Natale at, (202) 272–3195.

Dated: April 18, 1986.

John Wheeler,

Secretary.

[FR Doc. 86–9043– Filed 4–18–86; 12:49 pm]

BILLING CODE 8010–01–M

federal register

Tuesday
April 22, 1986

Part II

Environmental Protection Agency

40 CFR Part 720

Toxic Substances; Revisions of Premanufacture Notification Regulations; Final Rule

40 CFR Part 721

Toxic Substances; Significant New Use Rules; Proposed Amendments to General Provisions and Individual Rules; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 720

[OPTS-50002L; FRL 2959-8]

Toxic Substances; Revisions of Premanufacture Notification Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This final rule revises certain premanufacture regulations that, under the Toxic Substances Control Act (TSCA), require any person who intends to manufacture or import a new chemical substance to notify EPA at least 90 days before manufacture or import begins. The revisions clarify and eliminate ambiguities in the stayed provisions of the rule (48 FR 41132; September 13, 1983), particularly the exemption for research and development, and they revise certain language in the rule to simplify the provisions affecting compliance and enforcement.

DATES: This rule shall be promulgated for purposes of judicial review at 1 p.m. eastern time on May 6, 1986. This rule is effective June 5, 1986.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, DC 20460, Toll-free: (800-424-9065). In Washington, DC: (202-554-1404). Outside the USA: (Operator 202-554-1404).

SUPPLEMENTARY INFORMATION: EPA is revising certain provisions in 40 CFR Part 720 concerning premanufacture notification requirements, most notably the exemption for research and development.

I. Background

Under section 5 of TSCA, any person who intends to manufacture or import a new chemical substance for commercial purposes must notify EPA at least 90 days before manufacture or import begins. This requirement has been in effect since July 1, 1979. Since then, EPA has received and reviewed more than 6,000 notices on such new substances.

EPA promulgated a final premanufacture notice (PMN) rule in the **Federal Register** of May 13, 1983 (48 FR 21722). After receiving comments from the public, EPA postponed the effective date of the rule so that it could review several provisions. In the **Federal Register** of September 13, 1983 (48 FR 41132), EPA stated that the rule would become effective on October 26, 1983, with the exception of four provisions: (1) § 720.3(y) (the definition of "possession or control"); (2) § 720.36 (procedural requirements concerning new chemical substances manufactured under the section 5(h)(3) exemption for R&D); (3) § 720.78(b) (recordkeeping requirements for R&D); and (4) § 720.50(c) (data requirements on related chemicals). It also issued a non-substantive amendment to § 720.102(b)(1) (timing of submission of the notice of commencement of manufacture). On December 27, 1984, EPA proposed modifications of the stayed provisions in the **Federal Register** (49 FR 50201), and proposed a modified definition of "manufacture solely for export" (§ 720.3(s)). EPA is now issuing these provisions as a final rule. It is also issuing a non-substantive amendment to § 720.102(a) to further clarify the timing of submission of the notification of commencement of manufacture.

II. Provisions of Final Rule

A. Exemption for Research and Development

1. *Summary of rule.* Section 5(h)(3) of TSCA exempts the manufacture or import of small quantities of new chemical substances produced solely for research and development (R&D) from the PMN requirements if the manufacturer or importer notifies persons engaged in R&D of any health risks that the company or EPA has reason to believe may be associated with the chemical substance.

The provisions promulgated in this notice, together with §§ 720.3(cc) and 720.3(ee), promulgated on May 13, 1983, define the scope of the R&D exemption and establish the requirements associated with it. Section 720.3(cc) defines the phrase "small quantities" as those quantities no greater than necessary for R&D purposes, and § 720.3(ee) provides a definition of the "technically qualified individual" who must supervise the R&D. Sections 720.36 and 720.78(b), issued as part of the rule published with this notice, clarify specific requirements associated with the section 5(h)(3) exemption for R&D.

Under § 720.36, manufacturers and importers must evaluate information in their possession or control to determine whether a new chemical substance manufactured under the section 5(h)(3) exemption poses a risk to health, and they must notify employees who are exposed to the substance of the risks associated with it. However, § 720.36(b)(2) exempts R&D conducted entirely in laboratories under prudent laboratory practices from the requirement for risk evaluation. Section 720.36(c)(2) provides that, if manufacturers and importers distribute an R&D substance to other persons, they must provide those persons with written notification of known hazards and of the requirement that the substance be used solely for R&D. Section 720.36(d) prohibits the processing, use, sale, or distribution for non-R&D uses of R&D substances and mixtures containing R&D substances without submission of a PMN and completion of PMN review. Sections 720.36 (d) and (e) do permit, however, the sale of articles containing the R&D substance and chemical substances containing the R&D substance as an impurity, disposal of the substance, and certain forms of commercial recycling, assuming that other requirements of the R&D exemption are met.

Section 720.78(b) establishes recordkeeping requirements for manufacturers and importers taking advantage of the R&D exemption.

The R&D exemption of section 5(h)(3) also applies to persons who manufacture, import, or process a chemical substance for a significant new use designated in a rule under section 5(a)(2). Section 5(a)(1)(B) requires submission of a notice to EPA at least 90 days before a person manufactures, imports, or processes a substance for a designated significant new use. However, section 5(h)(3) exempts the person if the substance is manufactured, imported, or processed in small quantities solely for R&D. Thus, such persons can conduct R&D concerning a significant new use without submitting a notice. Pending promulgation of the revisions of §§ 720.36 and 720.78(b), EPA did not promulgate specific rules applicable to the R&D exemption for significant new use rules (SNUR's) because EPA intended to make the R&D provisions for SNUR's as similar as possible to those for PMN's. Accordingly, now that §§ 720.36 and 720.78(b) have been revised, EPA intends to amend 40 CFR Part 721, Subpart A (the general provisions for SNUR's) to incorporate provisions similar to §§ 720.36 and 720.78(b). These provisions would cover manufacturers, importers, and processors of substances for significant new uses and would be altered as necessary to address the SNUR situation. EPA is soliciting comment on any modifications that may be needed to accommodate §§ 720.36 and 720.78(b) to R&D for SNUR's.

On December 31, 1984, EPA published a proposed policy regarding certain microbial products, focusing on the

products of genetic engineering (49 FR 50880). In that proposed policy EPA discussed the need to alter the definition of "small quantities" for R&D to address the problem of release of microorganisms to the environment as part of R&D (field testing). EPA is still considering the need to amend the definition in § 720.3(cc), as well as the provisions of §§ 720.36 and 720.78(b), to meet the concerns about R&D activities conducted with microorganisms. These concerns have not been taken into account in promulgating §§ 720.36 and 720.78(b). Any such amendments to address R&D with microorganisms will be the subject of a future proposal with an opportunity for public comment.

2. *Scope of R&D.* a. *Definition.* In its notice of December 27, 1984, EPA proposed retaining the qualitative approach to defining "small quantities" solely for research and development used in § 720.2(cc) of the PMN Rule. EPA stated that there is no single quantitative limit that would allow for the variety of research taking place in the chemical industry, and commenters on the rule unanimously agreed. Therefore, this rule does not amend the definition of "small quantities" solely for R&D.

EPA has previously published considerable guidance on the scope of activities that fall within R&D, most recently in the notice in the **Federal Register** of December 27, 1984 (49 FR 50202). The Agency understands R&D activities to include tests of the physical, chemical, production, and performance characteristics of a chemical substance. The substance must be used directly by, or under the supervision of, a technically qualified individual, who must carefully monitor the tests and measure or assess their results. Chemical substances produced for R&D may be distributed in commerce, as long as the buyer uses them solely for purposes of R&D. However, distribution of a chemical substance to consumers removes it from the category of R&D.

EPA and TSCA also differentiate R&D from test marketing activities. The latter usually involve limited sale or distribution of a substance within a predetermined period of time to determine its competitive value when its market is uncertain. Test marketing activities require a manufacturer or importer to submit a PMN or an application for a test market exemption under § 720.38 of the PMN Rule.

EPA intends to summarize guidance on the definition of R&D in an information bulletin to be issued in the near future.

b. *Residual R&D material.* EPA recognizes that in some cases manufacturers and importers will have a surplus of a material produced for R&D after the R&D activities are complete. Section 720.36(d) of this rule prohibits the non-R&D commercial use or sale of this substance or of mixtures containing this substance before a PMN has been submitted and reviewed. If the manufacturer or importer intends to manufacture or import further quantities of the substance for non-R&D purposes, it can submit a PMN, a polymer exemption PMN under 40 CFR 723.250, or a low volume exemption notice under 40 CFR 723.500, as appropriate. Unless EPA acts to prevent manufacture or import, the manufacturer or importer would be free, upon completion of the relevant review period, to use the surplus R&D material for non-R&D purposes, as well as any additional quantities manufactured or imported afterwards.

In some situations, the manufacturer or importer does not intend to manufacture or import any additional quantities of the substance for non-R&D purposes. Rather, it seeks only to use up the material already produced during the R&D activities. Several commenters requested that EPA develop an expedited review procedure under section 5(h)(4) for such one-time use of R&D substances. EPA is not developing such a rule at this time because it believes that is not possible to make for all activities involving such R&D substances the "will not present an unreasonable risk" finding necessary for an exemption under section 5(h)(4). However, EPA has concluded that it is appropriate to allow manufacturers and importers in such situations to submit a PMN, a polymer exemption PMN, or a low volume exemption notice, as appropriate, to allow EPA to review the intended activities. If necessary, EPA could use its authority under section 5(e) or (f), or under the terms of the exemption rules, to prevent the intended activities if they may present an unreasonable risk. Substances described in such PMN's or exemption notices would not go on the inventory because they would not be manufactured or imported for nonexempt commercial purposes (see unit II.E. below for discussion of notice of commencement of manufacture or import).

Although persons conducting R&D may not sell or use R&D substances or mixtures for non-R&D purposes, § 720.36(d) permits the non-R&D use or sale of substances containing the R&D material as an impurity. For example, an R&D substance tested for its effectiveness as a process aid (e.g., a catalyst or a reagent) or an intermediate may exist as an impurity in the final product resulting from the R&D. If the final product is an existing chemical, it may be used for non-exempt commercial purposes without a PMN being submitted on the R&D substance, as long as the product was produced in the course of legitimate R&D, and the manufacturer or importer meets all the requirements of the exemption for R&D and the PMN rule. If the final product is not on the TSCA inventory, a PMN is necessary for that quantity of the substance before it can be sold or used in commerce, but no PMN is necessary for the R&D intermediate unless further non-R&D production is required.

In addition, § 720.36(d) permits manufacturers or importers to use or sell articles incorporating an R&D chemical substance without the submission of a PMN, as long as the article was produced in the course of legitimate R&D. EPA has received questions about the interpretation of the term "article," as defined in § 720.3(c). The Agency considers an item to meet the definition of an "article" if it is manufactured in a specified shape or design for a particular end-use application, and this design is maintained as an essential feature in the finished product. The item must have no change of chemical composition during its end-use, or only incidental changes. If an item is manufactured in a particular shape for the purpose of shipping convenience and the shape of the item has no function in the end-use, it would not be viewed as an article. Therefore, the category of articles includes an automobile painted with a coating containing an R&D pigment, and a moldable plastic sheet which incorporates an R&D stabilizer, but it does not include substances distributed in containers, e.g., paint containing an R&D pigment in a can, or such items as ingots, billets and blooms. Manufacturers and importers who use or sell articles produced for R&D should assess these activities for potential risks in accordance with the risk evaluation provision of § 720.36(b)(1). In addition, they must keep appropriate records of the disposition of R&D chemicals in articles, as required by § 720.78(b)(2).

Section 720.36(d) of the proposed rule, which specified commercial methods of recycling and disposal permissible under the R&D exemption, caused some confusion among commenters. EPA has reorganized the section and created § 720.36(e) to state more clearly that the rule does not prohibit disposal of wastes from R&D activities, and that it allows certain commercial uses of surplus R&D substances. However, all forms of disposal of waste from research and development activities must follow

local, state, and Federal regulations, and those wastes which meet the criteria for hazardous wastes under the Resource Conservation and Recovery Act must follow the procedures it requires. In addition, § 720.36(e) identifies other permissible commercial uses of surplus R&D substances: (1) Burning them as fuel, and (2) reacting or processing them to form other chemical substances.

Several commenters on the proposal raised specific questions about permissible methods of recycling or disposal of surplus R&D substances, including the recycling of small amounts of R&D substances into refinery feedstocks and the thermal oxidation of R&D substances to form commercially valuable substances. EPA has already clarified that small quantities of R&D fuels can be disposed of by blending small amounts into refinery streams without triggering PMN requirements (48 FR 7636). This constitutes disposal exempt under § 720.36(e)(1). In addition, EPA has modified the proposed rule to broaden the range of methods by which manufacturers may process chemical substances which remain after R&D activities are complete. In contrast to the proposal, which limited processing to extraction, the final rule, in addition, allows manufacturers and importers to react or otherwise process residual R&D substances to form other chemical substances for commercial use.

c. *Pesticides and pesticide intermediates.* In the Federal Register of December 27, 1984 (49 FR 50201), EPA stated that it considered chemical substances that were in the process of R&D as pesticides to be subject to TSCA, and therefore subject to the R&D rule. It referred to the Comment and Response Document accompanying the Inventory Reporting Requirements of December 23, 1977 (42 FR 64572), which stated the presumption that these chemical substances are subject to TSCA until their manufacturers or importers demonstrate intent to create a pesticide by submitting an application for an experimental use permit (EUP) or an application for registration under the Federal Insecticide, Fungicide, Rodenticide, and Insecticide Act (FIFRA).

Public comments on the R&D revision argued that FIFRA defines a pesticide as any chemical substance intended for pest control, and contended that R&D devoted solely to such pest control constituted evidence of intent to create a substance for pesticidal use. In addition, the comments indicated that it was unreasonable to subject pesticide R&D activities to TSCA R&D requirements when the final product would not be subject to TSCA.

EPA believes that the interpretation embodied in comment responses for the inventory reporting rule remains valid and that pesticide R&D activities are generally subject to TSCA jurisdiction until submission of an application for an EUP or a registration. While EPA recognizes that other activities may also evidence the "intent" to make a pesticide, it is very difficult to define such activities. Further, such activities take place after the substance is first manufactured—the event that triggers an obligation under section 5. However, EPA recognizes that requiring persons conducting strictly pesticide-oriented R&D to comply with §§ 720.36 and 720.78(b) for the period of time until an application for an EUP or a registration is submitted, but not after, may place an unnecessary burden on such activities. In general EPA believes that persons engaged in exclusively pesticide R&D activities are aware of the potential toxicity of the substances and that applying the specific requirements §§ 720.36 and 720.78(b) will not provide any additional protection. Further, the alternative to complying with the requirements of the rule would be the submission of a PMN. But in the case of a substance undergoing R&D for ultimate development of a pesticide, a PMN would be contradictory. Accordingly, EPA has decided, as a matter of policy, to exclude from the application of §§ 720.36 and 720.78(b) manufacture of a new chemical substance where the exclusive intention of the subsequent R&D activities of the person manufacturing the new substance and conducting the R&D activities is to develop the substance as a pesticide. This would apply even if the potential properties of the substance as a pesticide are unknown at the time it is first manufactured—a likely situation. The Agency considers the existence of a patent relating to use as a pesticide or the manufacture of the substance by a company or a laboratory wholly devoted to pesticide R&D and marketing as evidence of exclusive pesticide intent. In contrast, exclusive pesticide intent would not be conveyed by the manufacture of a substance by a company or in a laboratory whose R&D and marketing efforts ranged beyond pest control, unless the manufacturer or importer could present other positive evidence of express and exclusive pesticide intent for the substance. In such non-exclusive cases, R&D activities for the substance would be subject to §§ 720.36 and 720.78(b) until the submission of an application for an EUP or registration under FIFRA, or other activities begin which provide evidence of exclusive pesticide intent. Thus any R&D activities would be conducted in accordance with § 720.36 until the event evidencing exclusive pesticide intent occurs.

The other provisions of TSCA still apply to pesticide-oriented R&D activities, in particular the provisions of section 8(e) which require notice to EPA of information concerning substantial risks of such substances.

In addition, EPA has received several inquiries about the relevance of the R&D exemption to intermediates and inerts used in the production of pesticides. These chemical substances fall within the jurisdiction of TSCA and are eligible for the R&D exemption. A new chemical substance used in small quantities as a pesticide intermediate or inert is eligible for an R&D exemption (1) if research and development is conducted on the intermediate or inert substance itself, or (2) if the substance is used to produce a pesticide which is used only for R&D. In the latter case, the R&D status of the pesticide intermediate or inert depends on the commercial purpose of the pesticide it is used to produce.

If manufacturers or importers produce the final pesticide in small quantities, solely for purposes of R&D, the intermediate qualifies for the R&D exemption. If the pesticide falls outside the TSCA definition of R&D, EPA requires a PMN for the intermediates involved in its manufacture (unless, of course, the intermediates themselves are the subject of R&D activities).

In reaching a decision on whether a pesticide is manufactured for R&D purposes only, the manufacturer must consider the specifics of the use. Submission of an application for an experimental use permit on a pesticide does not automatically mean that the pesticide remains within the scope of R&D or has gone beyond it for TSCA purposes. If the purpose of the experimental use is to determine customer acceptance or economic viability, or if the pesticide is distributed to consumers, the pesticide would fall outside the scope of R&D under TSCA.

d. *Research for non-commercial purposes.* As EPA proposed on December 27, 1984, research conducted for non-commercial purposes, as described in § 720.30(i), lies outside the scope of section 5 and is not subject to the requirements of the R&D exemption. EPA considers non-commercial purposes to be research activities conducted by academic, government, or independent not-for-profit research organizations, unless the activity is

intended for commercial use. If the research is funded by contract, joint venture, or other financial arrangement with the purpose of eventually producing a commercial product, the organization is not exempt from the requirements of section 5 for that substance. For example, research conducted under a research contract between a company and a university, where patent rights or trade secrets are held by the company, would be considered commercial R&D. In contrast, research funded by an outright gift from a company to a university, with no limitations on either the purpose for which the funds are to be used or the use to be made of the results of the research conducted, would be considered non-commercial R&D.

3. *Requirements.* a. *Evaluation and notification of risks.* Section 720.36(a)(2) of the proposed rule would have required manufacturers and importers to perform a risk evaluation of substances used for R&D, and to notify persons engaged in the R&D of any risks identified. Companies reviewing risks would have to consider information in their possession or control (see discussion in unit II.C.) and all proposed or final rules issued under sections 4, 5, or 6 of TSCA. EPA has retained this provision in the final rule, with one modification: Manufacturers are not required to consider proposed rules in their evaluation of risks. EPA has revised this provision because of the tentative nature of many proposals, and because of the difficulty manufacturers may have in ascertaining whether a specific substance is the subject of a proposal. However, those manufacturing chemical substances under the exemption for R&D should nevertheless consider all available information on potential health and environmental risks, including information accompanying proposed EPA rules and advanced notices of proposed rulemaking.

Section 720.36(b)(2) of this rule, like the proposal, exempts manufacturers of chemical substances used solely in laboratories operating according to prudent laboratory practices from the requirement to evaluate risks. EPA has defined the term laboratory for the purposes of this rule as a contained research facility where relatively small quantities of chemical substances are used on a non-production basis, and where activities involve the use of containers for reactions, transfers, and other handling of substances designed to be easily manipulated by a single individual. The Agency discussed the nature of prudent laboratory practices in the **Federal Register** notice of December 27, 1984 (49 FR 50204).

Several commenters on the proposed rule have asked about the application of this definition to particular circumstances. The definition emphasizes the controlled use of small quantities, and certainly applies to laboratory work conducted by a team of researchers using prudent laboratory practices. The definition does not apply to R&D conducted in pilot plants, because such activities involve relatively large quantities of new chemical substances in situations where workers may operate under reduced controls. Some commenters have inquired as to whether the definition of laboratory and the exclusion from risk assessment include the activities of workers who dispose of the chemical substance for a laboratory. In that case, no chemical-specific risk assessment is necessary, but disposal must follow prudent laboratory practice.

Other commenters asked EPA to clarify whether R&D substances transferred from one laboratory to another were subject to the requirement for risk evaluation. As long as the substance is transferred to a laboratory operating under prudent laboratory practices, no chemical-specific risk evaluation is required. However, the distributing laboratory is required, in accordance with § 720.36(c)(2), to notify the person receiving the R&D substance that the substance is to be used only for purposes of R&D.

b. *Recordkeeping.* In the **Federal Register** of December 27, 1984, EPA proposed a two-tiered system for recordkeeping to document compliance with the requirements of the exemption for R&D. It has decided to retain the proposed system, which divides the equired records into two categories: those which must be kept for all new substances produced for R&D, and those which must be kept for chemical substances produced in larger volumes. It has, however, modified the requirements to reduce the burden of recordkeeping as much as possible while still ensuring effective documentation of compliance. EPA also retains the requirement that manufacturers or importers keep the specified records for 5 years, a period consistent with other PMN requirements and necessary for the Agency to monitor compliance effectively.

All persons producing chemical substances under the exemption for R&D, regardless of the amount, must document compliance with requirements for evaluation and notification of risks. The proposed regulation would have required manufacturers and importers to maintain copies of information reviewed and evaluated, but the final rule allows them to keep citations to this information, such as references to internal files or unpublished data, and to keep a record of the nature and method of the notifications given to workers. Those manufacturers or importers who use chemical substances in laboratories must document the prudent laboratory practices that excuse them from the requirements for risk evaluation. EPA considers the use and presence of codes of laboratory standards or handbooks such as those cited in the **Federal Register** of December 27, 1984 (49 FR 50201) to constitute evidence of prudent laboratory practices. Finally, if a manufacturer or importer distributes a chemical substance for purposes of R&D to another person in any quantity, EPA requires a record of the identity of the substance to the extent known, the names and addresses of persons to whom the substance is distributed, documentation of the quantities distributed, and copies of the notifications required under § 720.36(c)(2).

EPA has restructured the second set of records required from certain manufacturers or importers of an R&D substance. If the total quantity of the R&D substance produced in a year exceeds 100 kg, the manufacturer or importer must record the identity of the substance to the extent known, the volumes produced, and the disposition of the substance.

In the proposed rule, companies were required to keep records of the "identity" of R&D substances, unless less than 100 kg per year were produced or the substances were distributed to other persons. Several commenters pointed out that in certain circumstances manufacturers or processors may not know the specific identity of an R&D substance. To address this concern, EPA has modified the recordkeeping provision to require that the identity of the substance be kept to the extent it is known. Where the specific substance of the substance is not known, the company may identify it by company code, generic name, or some other indicator or they are in the articles or products.

The provision in the proposed rule that manufacturers and importers record the "method of disposal" of substances used for R&D led to some confusion. To clarify its intent, EPA has modified the final rule to require records of the "disposition" of R&D substances, rather than of their "methods of disposal." Companies are responsible for

documenting their own activities. They are not required by this rule to maintain records documenting what becomes of an R&D substance after their own activities are complete and they no longer have control of the substance.

The provision that manufacturers retain specific records when an R&D substance is distributed to other persons does not apply if the substance is incorporated into an article or exists in a final product as an impurity. If an R&D substance produced at more than 100 kg per year is incorporated into articles in the course of R&D or is included in a product as an impurity, manufacturers must record the disposition of the substance in the article or the final product (assuming the substance is produced at more than 100 kg per year), but they are not specifically required to document the disposition of the articles or products themselves, or the names and addresses of the persons to whom they are distributed. In addition, the specific quantities involved are not subject to the notification requirements of § 720.36(c)(2).

Beyond the specific records required by the rule, manufacturers and importers who conclude they are exempt from PMN requirements for a chemical substance used for purposes of R&D should be prepared to justify the nature and scope of their activities. EPA notes here that, although the final rule does not require manufacturers and importers of R&D substances to maintain records demonstrating that their activities constitute legitimate R&D, the burden of proving eligibility for the R&D exemption, as for any specific exemption from an otherwise applicable general statutory requirement, rests with the person claiming the exemption. EPA advises manufacturers and importers of R&D substances to be prepared to meet this responsibility should a question arise concerning their compliance with the general requirements for PMN or the exemption for R&D.

B. Data on Related Chemicals

EPA has reexamined the proposed requirement in § 720.50(c), published in the **Federal Register** notice of December 27, 1984 (49 FR 50209), that persons submitting a PMN provide the Agency with unpublished data on the health and environmental effects of chemicals, such as byproducts and feedstocks, which are related in the course of production to the new chemical substance which is the focus of the PMN. While section 5(d)(1)(B) and (C) of TSCA grants the EPA broad authority to require such data, EPA finds that it is not necessary to exercise this authority in the case of every new chemical substance. For most reviews of new substances, published data on the health and environmental effects of related substances and data submitted under section 8(e) will suffice to enable EPA to evaluate risks.

Should the Agency determine that data on related chemicals are essential to its review of a particular new chemical substance, it will request the additional data from the submitter, a procedure recommended by the Chemical Manufacturers Association (CMA). In a comment on the proposed rule, CMA wrote that in the event EPA required unpublished data on related chemicals, "EPA could ask the PMN submitter to search for the data the Agency needed to complete its review. If such data are available, the PMN submitter could provide them to EPA on request." This approach will provide a flexible method of securing information necessary to conduct premanufacture reviews. Accordingly, the requirements of § 720.50(c) have been deleted. EPA points out, however, that it is in the interest of submitters to provide the Agency with a full description of all available data relevant to a risk assessment of the chemical substance that is the focus of the PMN. Failure to provide this information, where it is important to assessing risk, may unnecessarily delay review of the PMN, potentially leading to extension of the review period and possible action.

EPA also reminds manufacturers and importers that existing provisions of the PMN rule still require them to submit certain information about related chemicals. Under § 720.45 of the PMN rule, paragraph (b) requires reporting of the identity and volume of impurities, and paragraph (d) requires descriptions of byproducts resulting from the manufacture, processing, and use of the new chemical substance. In addition, section 8(e) of TSCA requires manufacturers and importers to provide EPA with any information which they obtain which supports the conclusion that a substance or mixture presents a substantial risk to health or the environment.

C. Possession or Control

Section 5(b)(1)(B) of TSCA and § 720.50 of the PMN rule require manufacturers and importers to submit all health and environmental effects test data on the new chemical substance in their "possession or control." In addition, § 720.36(b)(1)(i) requires manufacturers or importers of R&D substances to evaluate certain information in their "possession or control" to meet the requirements for the exemption for R&D. EPA has made a slight change in the language of § 720.3(y) from the proposed rule to clarify that data in a manufacturer's or importer's possession or control include data in the files of its agents who are engaged in R&D, test marketing, or commercial marketing of the substance to the extent that the files are kept in that person's capacity as an agent. EPA considers these selected groups of individuals, who work under contract or special arrangement for a manufacturer or importer on a specific project, to be under that company's control for the scope of the project. Companies must request that the files of the agents engaged in such work be searched for data on health and environmental effects relevant to the activities they are under contract to pursue. EPA also includes within the scope of data in "possession or control" the files of persons engaged in research, development, test marketing or commercial marketing of a new chemical substance, and who are employed by companies associated with the submitter of the PMN but which are located outside the United States, unless the laws of the foreign nation forbid such a search.

D. Export-Only Chemicals

Section 12(a) of TSCA exempts from PMN new chemical substances which are manufactured or processed for export only and will not be used in the U.S. The proposed revision of § 720.3(s) would have limited processing to activities occurring under the control of the manufacturer or importer. In this final rule, EPA modifies the definition of the term "manufacture solely for export" to include processing which is not under the direct control of a manufacturer or importer, as long as it occurs solely for export. (The rule cross-references the definition of "process solely for export" in 40 CFR 721.3.) However, the manufacturer must know, by means of a contract or some other evidence, that the processing is occurring for export only. For substances to qualify as export-only chemicals, their processing must also be limited to activities which do not involve use. For example, formulating a mixture constitutes a legitimate form of processing for export-only chemicals, but their use as intermediates in chemical production does not.

E. Notification of Commencement of Manufacture

As discussed earlier in this notice, EPA allows a manufacturer or importer to use R&D material for non-R&D commercial purposes only after completion of the PMN review period,

except as described in § 720.36 (d) and (e). EPA has received queries about the timing of notification of commencement of manufacture in cases where PMN review has been completed, but the manufacturer intends to begin non-exempt commercial activities with quantities of the new chemical substance previously produced for purposes of R&D.

EPA requires persons to submit a notification of commencement of manufacture within thirty days of the start of non-exempt commercial manufacture of a new substance. If amounts of the new chemical produced for R&D already exist, a manufacturer or importer may use them for non-exempt commercial purposes as soon as the PMN review is complete, but that person may not submit a notification of commencement of manufacture until actual non-exempt manufacture begins. Section 720.102(a) has been revised to reflect this. In addition, even after the PMN review period ends, the new substance may be manufactured solely for R&D or solely for export. In that case, the manufacturer or importer should submit no notice of commencement of manufacture until non-exempt manufacture occurs.

III. Rulemaking Record

EPA has established a record for this rulemaking (docket number OPTS-50002L), which is available for inspection in Rm. E-107, 401 M St., SW., Washington, DC 20460, from 8 a.m. to 4 p.m. Monday through Friday, except legal holidays. Persons who do not have access to the record in the public reading room should contact Edward A. Klein, Director, TSCA Assistance Office (TS-799), at the above address for assistance.

The record includes information EPA considered in developing this rule. The record includes:

1. This notice and PMN documents cited in this notice.

2. Public comments.

3. Summaries of meetings with trade associations, public interest groups, and other groups.

4. Economic support documents.

5. Survey of research and development activities conducted by chemical firms.

6. All communications between EPA and persons outside the Agency pertaining to the development of the rule.

7. A document responding to public comments.

IV. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must determine whether a rule is "major" and therefore requires a Regulatory Impact Analysis. EPA has determined that this rule is not major because it would not have an effect of $100 million or more on the economy. The rule will not have a significant effect on competition, costs, or prices. EPA submitted this rule to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

B. Regulatory Flexibility Act

As required by the Regulatory Flexibility Act (5 U.S.C. 605(b)), EPA has assessed the impact of this rule on small businesses. EPA has determined that since the rulemaking involves relatively minor revisions to the final PMN rule, it will not create additional impacts on small businesses over those already identified in the final PMN rule, 48 FR 21722.

C. Paperwork Reduction Act

The information provisions in this rule are a subset of the information collection requirements of the PMN rule, which has already been cleared by OMB under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* OMB control number is 2070-0012.

List of Subjects in 40 CFR Part 720

Chemicals, Environmental protection, Premanufacture notification, Hazardous materials, Recordkeeping and reporting requirements.

Dated: April 7, 1986.

Lee M. Thomas,

Administrator.

PART 720—[AMENDED]

Therefore, 40 CFR Part 720 is amended as follows:

1. The authority citation for Part 720 is revised to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2613.

2. In § 720.3, paragraphs (s) and (y) are revised to read as follows:

§ 720.3 Definitions.

* * * * *

(s) "Manufacture solely for export" means to manufacture or import for commercial purposes a chemical substance solely for export from the United States under the following restrictions on activities in the United States:

(1) Distribution in commerce is limited to purposes of export or processing solely for export as defined in § 721.3 of this chapter.

(2) The manufacturer or importer, and any person to whom the substance is distributed for purposes of export or processing solely for export (as defined in § 721.3 of this chapter), may not use the substance except in small quantities solely for research and development in accordance with § 720.36.

* * * * *

(y) "Possession or control" means in possession or control of the submitter, or of any subsidiary, partnership in which the submitter is a general partner, parent company, or any company or partnership which the parent company owns or controls, if the subsidiary, parent company, or other company or partnership is associated with the submitter in the research, development, test marketing, or commercial marketing of the chemical substance in question. (A parent company owns or controls another company if the parent owns or controls 50 percent or more of the other company's voting stock. A parent company owns or controls any partnership in which it is a general partner). Information is included within this definition if it is:

(1) In files maintained by submitter's employees who are:

(i) Associated with research, development, test marketing, or commercial marketing of the chemical substance in question.

(ii) Reasonably likely to have such data.

(2) Maintained in the files of other agents of the submitter who are associated with research, development, test marketing, or commercial marketing of the chemical substance in question in the course of their employment as such agents.

* * * * *

3. In § 720.30, paragraph (e) is revised and paragraph (i) is added to read as follows:

§ 720.30 Chemicals not subject to notification requirements.

* * * * *

(e) Any new chemical substance manufactured solely for export if, when the substance is distributed in commerce:

(1) The substance is labeled in accordance with section 12(a)(1)(B) of the Act.

(2) The manufacturer knows that the person to whom the substance is being distributed intends to export it or process it solely for export as defined in § 721.3 of this chapter.

* * * * *

(i) Any chemical substance which is manufactured solely for non-commercial research and development purposes. Non-commercial research and development purposes include scientific experimentation, research, or analysis conducted by academic, government, or independent not-for-profit research organizations (e.g., universities, colleges, teaching hospitals, and research institutes), unless the activity is for eventual commercial purposes.

* * * * *

4. Section 720.36 is revised to read as follows:

§ 720.36 Exemption for research and development.

(a) This Part does not apply to a chemical substance if the following conditions are met:

(1) The chemical substance is manufactured or imported only in small quantities solely for research and development.

(2) The manufacturer or importer notifies all persons in its employ or to whom it directly distributes the chemical substance, who are engaged in experimentation, research, or analysis on the chemical substance, including the manufacture, processing, use, transport, storage, and disposal of the substance associated with research and development activities, of any risk to health, identified under paragraph (b) of this section, which may be associated with the substance. The notification must be made in accordance with paragraph (c) of this section.

(3) The chemical substance is used by, or directly under the supervision of, a technically qualified individual.

(b)(1) To determine whether notification under paragraph (a)(2) of this section is required, the manufacturer or importer must review and evaluate the following information to determine whether there is reason to believe there is any potential risk to health which may be associated with the chemical substance:

(i) Information in its possession or control concerning any significant adverse reaction by persons exposed to the chemical substance which may reasonably be associated with such exposure.

(ii) Information provided to the manufacturer or importer by a supplier or any other person concerning a health risk believed to be associated with the substance.

(iii) Health and environmental effects data in its possession or control concerning the substance.

(iv) Information on health effects which accompanies any EPA rule or order issued under sections 4, 5, or 6 of the Act that applies to the substance and of which the manufacturer or importer has knowledge.

(2) When the research and development activity is conducted solely in a laboratory and exposure to the chemical substance is controlled through the implementation of prudent laboratory practices for handling chemical substances of unknown toxicity, and any distribution, except for purposes of disposal, is to other such laboratories for further research and development activity, the information specified in paragraph (b)(1) of this section need not be reviewed and evaluated. (For purposes of this paragraph, a laboratory is a contained research facility where relatively small quantities of chemical substances are used on a non-production basis, and where activities involve the use of containers for reactions, transfers, and other handling of substances designed to be easily manipulated by a single individual.)

(c)(1) The manufacturer or importer must notify the persons identified in paragraph (a)(2) of this section by means of a container labeling system, conspicuous placement of notices in areas where exposure may occur, written notification to each person potentially exposed, or any other method of notification which adequately informs persons of health risks which the manufacturer or importer has reason to believe may be associated with the substance, as determined under paragraph (b)(1) of this section.

(2) If the manufacturer or importer distributes a chemical substance manufactured or imported under this section to persons not in its employ, the manufacturer or importer must in written form:

(i) Notify those persons that the substance is to be used only for research and development purposes.

(ii) Provide the notice of health risks specified in paragraph (c)(1) of this section.

(3) The adequacy of any notification under this section is the responsibility of the manufacturer or importer.

(d) A chemical substance is not exempt from reporting under this Part if any amount of the substance, including as part of a mixture, is processed, distributed in commerce, or used, for any commercial purpose other than research and development, except where the chemical substance is processed, distributed in commerce, or used only as an impurity or as part of an article.

(e) Quantities of the chemical substance, or of mixtures or articles containing the chemical substance, remaining after completion of research and development activities may be:

(1) Disposed of as a waste in accordance with applicable Federal, state, and local regulations, or

(2) Used for the following commercial purposes:

(i) Burning it as a fuel.

(ii) Reacting or otherwise processing it to form other chemical substances for commercial purposes, including extracting component chemical substances.

(f) Quantities of research and development substances existing solely as impurities in a product or incorporated into an article, in accordance with paragraph (d) of this section, and quantities of research and development substances used solely for commercial purposes listed in paragraph (e) of this section, are not subject to the requirements of paragraphs (a), (b), and (c) of this section, once research and development activities have been completed.

(g) A person who manufactures or imports a chemical substance in small quantities solely for research and development is not required to comply with the requirements of this section if the person's exclusive intention is to perform research and development activities solely for the purpose of determining whether the substance can be used as a pesticide.

5. Section 720.50 is amended by removing and reserving paragraph (c) to read as follows:

§ 720.50 Submission of test data and other data concerning the health and environmental effects of a substance.

* * * * *

(c) [Reserved]

* * * * *

6. In § 720.78, paragraph (b) is revised to read as follows:

§ 720.78 Recordkeeping.

* * * * *

(b)(1) Persons who manufacture or import a chemical substance under § 720.36 must retain the following records:

(i) Copies of, or citations to, information reviewed and evaluated under § 720.36(b)(1) to determine the need to make any notification of risk.

(ii) Documentation of the nature and method of notification under § 720.36(c)(1) including copies of any labels or written notices used.

(iii) Documentation of prudent laboratory practices used instead of notification and evaluation under § 720.36(b)(2).

(iv) The names and addresses of any persons other than the manfacturer or importer to whom the substance is distributed, the identity of the substance to the extent known, the amount distributed, and copies of the notifications required under § 720.36(c)(2). These records are not required when substances are distributed as impurities or incorporated into an article, in accordance with paragraph (d) of this section.

(2) A person who manufactures or imports a chemical substance under § 720.36 and who manufactures or imports the substance in quantities greater than 100 kilograms per year must retain records of the identity of the substance to the extent known, the production volume of the substance, and the person's disposition of the substance. The person is not required to maintain records of the disposition of products containing the substance as an impurity or of articles incorporating the substances.

(3) Records under this paragraph must be retained for 5 years after they are developed.

* * * * *

7. In § 720.102, paragraph (a) is revised to read as follows:

§ 720.102 Notice of commencement of manufacture or import.

(a) *Applicability.* Any person who commences the manufacture or import of a new chemical substance for a nonexempt commercial purpose for which that person previously submitted a section 5(a) notice under this Part must submit a notice of commencement of manufacture or import.

* * * * *

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[OPTS-50527; FRL-2928-8]

Toxic Substances; Significant New Use Rules; Proposed Amendments to General Provisions and Individual Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing amendments to 40 CFR Part 721 and to four significant new use rules (SNURs) currently codified in Subpart B of Part 721, under section 5(a)(2) of the Toxic Substances Control Act (TSCA, 15 U.S.C. 2604(a)(2)). The Agency is proposing these amendments in order to clarify specific existing provisions, and to incorporate new sections developed in response to public comments.

DATE: Written comments should be submitted by June 23, 1986.

ADDRESS: Since some comments may contain confidential business information, all comments should be sent in triplicate to: Document Control Officer (TS-793), Office of Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460.

Comments should include the docket control number OPTS-50527. Nonconfidential comments and sanitized versions of confidential comments received on this proposal will be available for reviewing and copying from 8 a.m to 4 p.m., Monday through Friday, excluding legal holidays, in Rm. E-107 at the address given above.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, DC 20460. Toll free: (800-424-9065). In Washington, DC: (554-1404). Outside the USA: (Operator 202-554-1404).

SUPPLEMENTARY INFORMATION:

I. Authority

Section 5(a)(2) of TSCA authorizes EPA to determine that a use of a chemical substance is a significant new use. EPA must make this determination by rule after considering all relevant factors, including those listed in section 5(a)(2). Once a use is determined to be a significant new use, persons must, under section 5(a)(1)(B), submit a notice to EPA at least 90 days before they manufacture, import, or process the substance for that use.

II. Background

On September 5, 1984 (49 FR 35011), the Agency promulgated 40 CFR Part 721, Subpart A—General Provisions. Subpart A contains general reporting provisions that apply to all SNURs. In addition, the Agency has promulgated SNURs in the current Subpart B to Part 721, covering a number of specific chemical substances.

The Agency has received public comments on the general provisions in Subpart A and on certain SNURs in Subpart B (listed in Unit III of this preamble). EPA also has received comments proposing adoption in certain SNURs of the Occupational Safety and Health Administration (OSHA) Hazard Communication Standard (29 CFR 1900.1200). This rule is being proposed in response to all of these comments.

III. Summary of This Proposed Rule

The Agency is proposing the following amendments to 40 CFR Part 721: (1) Substantive revisions of §§ 721.5 and 721.10; (2) the addition of a new § 721.12 that would establish a mechanism whereby persons subject to SNURs in which worker exposure controls or environmental release controls are identified may seek an equivalency determination for alternative worker exposure and/or environmental release controls; (3) the redesignation of § 721.19 as § 721.18 and addition of a new paragraph that would establish procedures for advance compliance with SNURs; (4) the addition of a new § 721.19 that would establish risk evaluation, notification, and recordkeeping requirements applicable to the section 5(h)(3) research and development exemption for SNURs; (5) the addition of four sections that set forth hazard communication requirements for certain significant new uses, to be codified as a new Subpart B to be designated as Generic Requirements for Certain Significant New Uses; and (6) the redesignation of the existing Subpart B as Subpart C, and revisions of the following SNURs in that Subpart:

P-83-394 (§ 721.180, 49 FR 43653);
P-83-255 (§ 721.290, 49 FR 43064);
P-83-23, P-83-24, P-83-49, P-83-75, and P-83-272 (§ 721.615, 49 FR 50396);
P-82-684 (§ 721.975, 49 FR 42932).

IV. Agency Rationale

A. Persons Who Must Report

Section 721.5 describes those persons who must submit a significant new use notice. Paragraph (a)(2) requires each person who intends to manufacture, import, or process a SNUR substance for commercial purposes and who intends to distribute the substance in commerce to submit a significant new use notice. However, persons subject to paragraph (a)(2) currently are exempt from SNUR reporting requirements if they satisfy two requirements: (1) The person must not have a reasonable belief at the time of commercial distribution that customers intend to engage in a significant new use without submitting a notice to EPA, and (2) the person must be able to document that customers were notified in writing of the SNUR.

Subsequent to the promulgation of Subpart A, the Agency received comments requesting clarification of the responsibility of manufacturers, importers, and processors to submit significant new use notices as specified under the provisions of section 5(a)(1)(B) of TSCA and § 721.5(a)(2). Specifically questioned were the provisions of paragraph (a)(2). Concern was expressed that, as currently phrased, paragraph (a)(2) "might infer" an affirmative obligation upon manufacturers, importers, and processors to monitor or familiarize themselves with the activities of their customers. The Agency's intent, under this paragraph, was not the creation of an affirmative obligation for manufacturers, importers, and processors of SNUR substances to monitor or familiarize themselves with their customers' activities, when they would not do so as a normal course of business. The Agency simply intended to require a manufacturer, importer, or processor of a SNUR substance to submit a significant new use notice when that person has a reasonable belief that a customer intends to engage in a significant new use without submitting a notice to EPA.

Although the Agency believes this paragraph clearly exempts a manufacturer of a SNUR substance who has a reasonable belief that a customer does not intend to engage in a significant new use, there may be some ambiguity as to the circumstances when EPA will deem a manufacturer to have formed this "reasonable belief." To clarify its intent, the Agency is proposing to delete the phrase "reasonable belief" from § 721.5 and amend paragraph (a)(2) to specify that the Agency allows optional methods for SNUR compliance. Thus, a manufacturer, importer, or processor of a SNUR substance need not submit a significant new use notice if they do not intend to engage in the significant new use themselves, *and* they can document

(1) that they have provided all recipients of the substance with notice of the SNUR, (2) all recipients of the substance know of the SNUR, or (3) it is technically or otherwise infeasible for recipients of the substance to engage in the significant new use.

Under the revised § 721.5, then, the manufacturer, importer, or processor of a SNUR substance would have the flexibility of choice either to submit a significant new use notice, as required by TSCA (because recipients of the substance may engage in the significant new use) or to adopt EPA's optional method of compliance (by notifying recipients or by documenting that recipients otherwise know about the SNUR or cannot engage in the significant new use). The revised § 721.5 does not require customer notification, but instead offers an alternative means of compliance.

To provide consistency, the Agency is proposing to amend paragraphs (b), (c), (c)(1), and (2) of § 721.5 to reflect the changes in paragraph (a)(2). It is proposed that the phrase "reasonable belief" be deleted and replaced with the word "knowledge," and the word "customer" be deleted and replaced with the word "recipient."

B. Notice Requirements and Procedures

Section 721.10(d) provides that "any person submitting a significant new use notice in response to the requirements of this Part 721 shall not commence manufacture, import, or processing. . . ." Because a notice could be submitted under § 721.5 after manufacture, import, or processing has begun, the Agency intended that such manufacture, import, or processing not go on during the notice review period. Deleting the word "commence" clarifies this intention. The Agency is, therefore, proposing a technical amendment to § 721.10(d) to delete the word "commence" to clarify the meaning of this section.

C. Equivalency Determination

The Agency's approach to SNURs in which worker exposure or environmental release controls are identified for specific chemical substances is to ensure that: (1) Adequate measures are utilized to limit worker exposure and environmental release to reduce risk, or (2) EPA will receive notice of those circumstances when these controls may not be provided, and will have an opportunity to review the data in the notice before the significant new use occurs. These two Agency goals are attained when controls are employed which the Agency has previously reviewed and identified in a SNUR or when a SNUR notice is submitted and EPA has reviewed and acted upon the notice.

Comments to proposed SNURs which would require reporting for the failure to employ specific worker exposure controls or environmental release controls indicated a desire for EPA to create a means by which persons who manufacture, import, or process substances identified in SNURs could select alternative methods of controlling worker exposure or environmental releases (other than the methods identified in the SNUR). It was suggested that if alternative exposure or release control measures provided an "equivalent level of protection," such exposure or release controls might be allowed to begin without waiting 90 days for review of a SNUR notice.

There may be instances when alternative exposure or release controls that EPA has not considered are available to a manufacturer, importer, or processor. These exposure or release controls may provide protection from exposure or release that is substantially equivalent to or better than the controls identified in the SNUR. In those instances, the Agency is willing to evaluate those methodologies in an abbreviated fashion and possibly allow the substantially equivalent approach if it believes it reasonable to do so.

The Agency is proposing to amend certain SNURs and to add a new § 721.12 to the General Provisions for SNURs which would establish a mechanism by which manufacturers, importers, or processors of substances subject to SNURs may propose alternative exposure or release controls. Under this proposal, alternative controls which EPA determines provide substantally the same degree of protection against exposure or release would not constitute a significant new use because increased releases or exposure will not occur. The Agency would determine in each instance whether the alternative exposure or release controls provide protection substantially equivalent to those controls identified in the specific SNUR.

The Agency's new § 721.12 contains procedures for a manufacturer, importer, or processor to seek an EPA determination that the person's alternative exposure or release controls provide substantially the same degree of protection against exposure or release as the identified exposure or release controls in a specific SNUR—an "equivalency determination." The person would provide EPA information on the proposed exposure or release controls, and EPA would make a determination within 45 days. If EPA determined that the proposed alternative exposure or release controls provided substantially the same degree of protection as the specific controls in the SNUR, EPA would notify the person in writing, and the person could begin the activities using the alternative exposure or release controls. The person would not be in violation of the SNUR as long as the person continued to use those approved alternative exposure or release control measures.

A person asking EPA to determine whether alternative exposure or release controls provide substantially the same degree of protection as those in the SNUR would also be required to submit any test data in their possession or control or other data known to or reasonably ascertainable by them as they would in an SNUR notice (see § 750.50 (a) and (b) of the PMN rule). The person would not be required to submit any data which had already been submitted to the Office of Toxic Substances, for example, in a previous Premanufacture Notice (PMN) or SNUR notice or in a notice under section 8(e). EPA would not use this particular information to make the equivalency determination under the proposed § 721.12. Rather, the data would enable EPA to review whether the specific SNUR requires modification or whether other regulatory action might be necessary with respect to the specific chemical substance.

In addition, EPA is proposing that each provision of the affected SNURs which provides for specific controls to prevent worker exposure or environmental release be amended to include additional language which takes into account the new equivalency provision, § 721.12. These individual SNURs would identify the significant new use as the failure to use either the specified controls in the original SNURs or other exposure or release controls which EPA has determined provide substantially the same degree of protection against exposure or release as the original controls.

D. Research and Development Exemption

Section 5(h)(3) of TSCA exempts the manufacturer, importer, or processor of a chemical substance for a significant new use from the SNUR notification requirements if the substance is manufactured, imported, or processed only in small quantities solely for research and development (R&D), provided the manufacturer, importer, or processor notifies persons engaged in the R&D of any health risks that the company or EPA has reason to believe

may be associated with the chemical substance.

On May 13, 1983, EPA promulgated its general PMN rule (48 FR 21722) including § 720.3(cc) which defines "small quantities solely for research and development," § 721.0(ee) which defines "technically qualified individual," § 720.36 which set out the requirements to evaluate health risks and to notify persons engaged in the R&D activities of the risks, and § 720.78(b) which set out the associated recordkeeping requirements. After receiving comments from the public, EPA stayed §§ 720.36 and 720.78(b) pending further rulemaking. EPA proposed revisions of §§ 720.36 and 720.78(b) on December 27, 1984 (49 FR 50201), and is publishing these two provisions in a final rule elsewhere in this issue of the **Federal Register**.

Since §§ 720.36 and 720.78(b) were stayed at the time the general SNUR provisions were published in September 1984, EPA did not include specific requirements for SNUR-related R&D activities, pending the outcome of the PMN rulemaking activity. Now that the PMN rulemaking has been completed, EPA is proposing to redesignate § 721.19 as § 712.18, to modify § 721.18(b), and to add a new § 721.19 to specify the requirements that manufacturers, importers, and processors of a SNUR substance for a significant new use must meet to qualify for the section 5(h)(3) R&D exemption.

The proposed new § 721.19 is worded very closely to §§ 720.78 and 721.36. It applies only to persons who manufacture, import, or process a substance identified in a specific SNUR for a designated significant new use in small quantities solely for R&D. Proposed paragraphs (a), (b), and (c) relating to evaluation of risks and notification of persons conducting R&D activities and paragraph (e) containing recordkeeping requirements are virtually the same as §§ 721.36 (a), (b), and (c) and 721.78(b), respectively. A discussion of §§ 720.36 (a), (b), and (c) and 720.78 can be found in the final PMN rule preamble in this **Federal Register**.

No provision comparable to § 720.36(d) would be included in the new § 721.19 because the use of the substance would already be restricted by the other provisions of § 721.20 and the underlying SNUR.

Proposed § 721.19(d) would be comparable to § 720.36(e) but modified to allow quantities of the chemical substance, or of mixtures or articles containing the substance, to be disposed of, or used for commercial purposes other than R&D provided the disposal activity or use would not itself constitute a significant new use. If the disposal activity or the use would be a significant new use, a notice would be required.

No provision comparable to § 720.36(g) has been included. It is not necessary in a SNUR context because pesticide-related R&D activities would not constitute a significant new use.

The close correspondence between §§ 720.36 and 720.78(b) and the proposed new § 721.19 would ensure that persons engaging in R&D activities related to new chemical substances and to substances identified in SNURs would be able to conduct their risk evaluation, notification, and recordkeeping activities in the same manner, regardless of the type of substance, simplifying compliance.

E. Applicability of Proposed Rules to Uses Occurring Before Promulgation of Final Rules

In the preambles to previously proposed SNURs, the Agency described its finding that section 5(a)(1)(B) of TSCA is best served by determining whether a use is a significant new use as of the date of proposal. The Agency continues to maintain that this interpretation of section 5 reflects the intent of Congress with regard to SNURs; if uses begun during the proposal period of the SNUR were not considered to be significant new uses, it would be difficult for the Agency to establish SNUR notice requirements, because any person could defeat the SNUR by initiating a proposed significant new use before the rule became final.

Persons who engage in a proposed significant new use prior to promulgation of a final SNUR would be required to cease production and submit a SNUR notice as of the effective date of the final rule. However, it is not the intent of the Agency to unnecessarily disrupt the commercial activities of these persons. EPA therefore is proposing that such persons be allowed to comply with a SNUR before the rule is promulgated. If a company were to meet all of the conditions of advance compliance, as specified in the proposed new § 721.19(h) in Subpart A, the company would be exempt from the requirements of the final SNUR for those activities. It should be emphasized that EPA intends to use its full TSCA authority to control the company's activities should the Agency determine that such activities will present an unreasonable risk to human health or the environment.

The first requirement for advance compliance with a SNUR would be to submit a complete significant new use notice to EPA. Any person that submits an advance SNUR notice for a subject chemical substance would be required to follow the general notification requirements of § 721.10, except that the company would not have to submit the notice to the Agency at least 90 days before it begins manufacturing, importing, or processing. However, should the final SNUR be promulgated prior to completion of the Agency's review, the company would be required to cease manufacturing, importing, or processing for the remaining portion of the 90-day period. The notice would have to contain all requisite SNUR data, with limitations described in the applicable proposed SNUR.

EPA's procedures for the receipt, handling, and evaluation of advance significant new use notices under this rule generally would be the same as for any other significant new use notices. The Agency would publish a notice of receipt in the **Federal Register**, as required by section 5(d)(2) of TSCA. Nonconfidential data from the advance notice would be added to EPA's public file for SNUR notices. The Agency then would conduct an evaluation of all data from the advance SNUR notice, together with any other relevant data in EPA's possession. The Agency would determine whether the intended significant new use would adequately control exposure to and/or release of the substance (thus, preventing a potential unreasonable risk to health or the environment), and whether further regulatory action would be required.

There are four possible situations which may occur after EPA completes its review of an advance significant new use notice.

1. If there is sufficient information for EPA to conclude that the activities described in the notice would represent no unreasonable risk to human health or the environment under any reasonably foreseeable circumstances, the Agency would take no further regulatory action with regard to the proposed activities of the company. Under this option, EPA would notify the manufacturer, importer, or processor of its intent not to take further action. The company would be allowed to undertake the significant new use after the final SNUR became effective, without delay or the need to comply further with the rule for the activities described in the notice.

2. If there is not sufficient information for EPA to reasonabley determine whether the activities described in the notice would present an unreasonable risk under any reasonably foreseeable circumstances, but the Agency believes that the intended activities would not

pose such a risk if certain procedures or restrictions are followed (until additional data demonstrated them to be unnecessary), the Agency would attempt to negotiate a section 5(e) consent order with the company. The consent order would specify that the manufacturer, importer, or processor must follow the restrictions or procedures while undertaking the activities. If a consent order is signed, it would go into effect on the effective date of the final rule. The company would not be able to deviate from the terms of the consent order after the effective date without being in violation of TSCA.

3. If there is not sufficient information for EPA to reasonably determine whether the activities described in the notice would present an unreasonable risk under any reasonably foreseeable circumstances, and EPA and the company are not able to negotiate acceptable terms of a section 5(e) consent order, the manufacturer, importer, or processor would not qualify for an advance compliance exemption under the SNUR. The company therefore would be subject to the requirements of the final SNUR as though it had not submitted an advance significant new use notice, including ceasing the activities until it complies with the notice requirements.

4. If there is sufficient information for EPA to reasonably conclude that the activities described in the notice will present an unreasonable risk to human health and the environment, the manufacturer, importer, or processor would not have met all of the conditions of the advance compliance exemption. The Agency would not pursue a section 5(e) consent order in this case. Instead, the company would be required to cease the significant new use (if not already done) on the effective date of the final SNUR, submit a significant new use notice, and wait until completion of the statutory review period before resuming the activities. If the Agency believes that the risk requires immediate control, EPA could take action under TSCA section 6(a) (made immediately effective under section 5(f)) or section 7 to control the risk.

The Agency believes that its approach to advance SNUR compliance is an acceptable means of accomplishing its risk assessment and risk management objectives regarding possible significant new uses, without causing members of the regulated community to suffer unnecessary delays in their business activities. The advance compliance exemption in this rule would not waive EPA's enforcement authority with regard to any SNUR notice submitter.

F. Hazard Communication Requirements

The Agency is proposing amendments intended to establish certain generic hazard communication requirements that can be incorporated subsequently, by cross-reference, into individual SNUR notice requirements. In particular, certain SNURs could require the submission of significant new use notices for the failure to implement a communication program that includes, among other things, the labeling of packages containing certain substances, the creation and maintenance of material safety data sheets (MSDSs) for substances, and employee information and training programs.

This proposal is in response to comments received on certain SNURs which contained hazard communication requirements. Commenters suggested that EPA adopt the OSHA Hazard Communication Standard rather than promulgate communication requirements unique to each rule. Because these comments were not submitted in a timely fashion, and the Agency believed it to be in the public interest not to delay promulgation of potentially affected SNURs, these SNURs were promulgated without the suggested changes. However, at this time the Agency is proposing to amend these and other SNURs to make specific aspects consistent, to the extent appropriate under TSCA, with the relevant provisions of the recently promulgated OSHA standard.

These proposed amendments of individual SNURs would, in effect, substitute uniform hazard communication requirements for those similar elements now contained in the individual SNUR reporting triggers. For example, the segments of the SNUR covering the substance P–83–394 (§ 721.180, 49 FR 43653), which pertain to informing workers of the reasons for the specified worker protection equipment, would be altered under the proposed amendments. The rule would require the submission of a significant new use notice by manufacturers (excluding importers) and processors of the substance if they fail to provide workers with the requisite information in accordance with the proposed § 721.27 of Subpart B.

OSHA's Hazard Communication Standard places the burden of identifying hazards and the appropriate protective measures on the employer; however, under these SNUR amendments EPA would specify which potential hazards must be communicated and what protective measures must be employed.

For the purposes of SNURs incorporating the proposed hazard communication requirements, manufacturers, importers, and processors subject to such a SNUR would have the option to either comply with these requirements or submit a significant new use notice prior to manufacturing, importing, or processing. EPA's hazard communication requirements would apply regardless of whether the manufacturer, importer, or processor is subject to the OSHA Hazard Communication Standard.

G. Recordkeeping

The Agency has two goals for recordkeeping provisions contained in SNURs. They are: (1) To encourage conscientious compliance with these rules, and (2) to provide written records for compliance monitoring activities.

Comments have indicated that certain sectors of the chemical industry would prefer a more flexible approach to recordkeeping than that contained in certain SNURs. The comments have stated that requiring the maintenance of records which would "demonstrate compliance" would allow that flexibility. In particular, persons would have the option of incorporating recordkeeping for substances subject to SNURs into their present recordkeeping systems, rather than having to implement a completely different method of recordkeeping to comply with specific requirements of the Agency's present SNURs.

The Agency agrees, in part, with these comments and has investigated alternative recordkeeping strategies. The Agency has not, however, arrived at a final position with regard to this issue. In lieu of proposing recordkeeping amendments at this time, the Agency is choosing instead to solicit additional public comment. The Agency encourages persons to provide comments regarding recordkeeping, and is particularly interested in receiving comments that address recordkeeping strategies for previously published significant new uses, i.e., waste disposal, employee training, use of protective equipment, etc.

H. Conforming Changes

EPA is proposing minor changes to §§ 721.1, 721.5, 721.6, 721.7, and 721.10 to conform to the other elements of this proposal.

Economic Analysis

Promulgation of these amendments will result in costs to both EPA and

industry. However, as will be addressed below, the costs are not expected to be more than without the proposed amendments, and in some cases may be less. Where quantification is possible, the costs associated with each proposed amendment are discussed. In come cases, only a qualitative discussion is possible. The costs of the relevant sections of previously proposed SNURs (in the absence of the proposed amendments) are also discussed.

1. *Section 721.5 Persons who must report.* Companies involved in the manufacture, import, or processing of a SNUR substance would incur costs of compliance with this section. The costs could range from those costs associated with a letter notifying the customer of the existence of the SNUR, up to the costs of filing a SNUR notice. The Agency has estimated the costs of filing a SNUR notice to be $1,400 to $8,000. Additional costs of filing a SNUR notice could be incurred up to a 3.2 percent reduction in profits due to delays in manufacturing or processing and the costs of regulatory follow-up, if any.

The actual costs of notifying customers of the existence of a SNUR are expected to be minimal, e.g., the cost of a letter to the customer. The Agency believes that most companies will choose to document that customers know of the rule via a notification letter as it is the least costly alternative.

This proposed amendment will not result in any additional cost to future proposed SNURs; rather it clarifies an existing section in Subpart A.

2. *Section 721.12 Equivalency determination.* Based on comments to proposed SNURs which would require reporting for failure to employ specific worker exposure or environmental release controls, the Agency believes that most companies seeking an equivalency determination would either already have or will have access to the alternative controls for which they are seeking an equivalency, such companies would either have to submit a SNUR notice ($1,400 to $8,000 plus up to a 3.2 percent reduction in profits) and/or incur the cost of instituting the control as specified in the SNUR.

The cost to companies of this proposed amendment would be the costs associated with the development of the data submitted to the Agency, i.e., justification that the alternative exposure or release controls provide at least the same degree of protection. The Agency cannot estimate the exact costs at this time. Other costs associated with equivalency determination involve filing the request for equivalency determination, and delay costs during Agency review. The Agency expects the costs of filing the equivalency notice to be equal to or less than the costs of filing a SNUR notice, since the data required in a request for an equivalency determination are less than that required in a SNUR notice. In addition, any potential loss in profits due to delays associated with Agency review would be less. Delay costs are estimated to be a 3.2 percent reduction in profits due to delays in manufacturing and processing during the 90-day Agency review of SNUR notices. Delay costs associated with an equivalency determination would be half of delay cost for a SNUR notice, or a 1.6 percent reduction in profits due to delays during the 45-day Agency review.

Therefore, while the Agency cannot quantify the exact costs, the total costs are expected to be less for an equivalency determination than for submitting a SNUR notice.

3. *Section 721.19 Advance compliance.* The procedures for advance compliance are generally the same as for any SNUR notice. The manufacturer, importer, or processor must submit a complete SNUR notice. This notice would not, however, need to be submitted 90 days prior to commencing manufacture, import, or processing but could be submitted anytime between proposal and promulgation of the SNUR. The costs to the company for filing a SNUR notice are estimated to be between $1,400 and $8,000.

The major difference is that if the Agency negotiates with the company to control or limit the significant new use, or does not ban, the company can continue production of the chemical without interruption when the SNUR is promulgated, thereby avoiding any loss in profits usually attributed to delays in manufacturing or processing during Agency review.

If the Agency takes action or is unable to negotiate a control or limit, or would ban the chemical, the effect of the request for advance compliance is little more than advance notice to the company or the Agency's intention should the company pursue the significant new use after promulgation.

4. *Subpart B: Hazard communication requirements.* Manufacturers, importers, and processors subject to a SNUR incorporating the proposed hazard communication requirements have the option of complying with these requirements or submitting a SNUR notice. The costs of complying with these requirements would not differ from the costs previously assumed in each proposed SNUR; these costs are summarized below. It is important to note that EPA would specify which potential hazards must be communicated and what protective measures must be employed, unlike OSHA's Hazard Communication Standard which places the burden of identifying the hazards and the appropriate protective measures on the employer.

The proposed amendment contains requirements for employee information, labeling containers, and MSDSs. As in previously proposed SNURs, the Agency has not separated the cost of informing employees of the potential hazards associated with the use of one chemical from the employee training program assumed to be already in place. The initial labeling costs are estimated to be between $135 and $500, which is the development cost of the label. Other labeling costs are expected to be minimal. An MSDS has been estimated to cost $20 (this cost is for preparation of the form only).

To the extent the proposed amendments would allow employers to merge the SNUR requirements with the employers system to comply with the OSHA Hazard Communication Standard, the overall costs of compliance with the SNURs may be reduced.

VI. Confidential Business Information

Any person who submits comments which the person claims as confidential business information (CBI) must mark the comments as "confidential," "trade secret," or other appropriate designation. Any comments not claimed as confidential at the time of submission will be placed in the public file. Any comments marked as confidential will be treated in accordance with the procedures in 40 CFR Part 2. EPA requests that any party submitting confidential comments prepare and submit a sanitized version of the comments which EPA can place in the public file.

VII. Rulemaking Record

EPA has established a record for this proposal (docket control number OPTS-50527). A public version of this record from which CBI has been deleted is available to the public from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays, in the OTS Reading Room, Rm. E-107, 401 M St. SW., Washington, DC.

The record includes basic information considered by the Agency in developing this proposed rule. The record now includes the following:

1. The public comments which have prompted this action.

2. This proposal.

3. The economic analysis in support of this proposed rule.

VIII. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore requires a Regulatory Impact Analysis. EPA has determined that these proposed amendments are not "Major Rules" because they will not have an effect on the economy of $100 million or more and will not have a significant effect on competition, costs, or prices. While there is no precise way to calculate the potential annual cost of this proposal, for the reasons explained in this preamble, EPA believes that the cost will be low. In addition, because of the nature of the proposed amendments and the substances subject to them, EPA believes that there will be few significant new use notices and requests for equivalency determinations submitted.

These amendments were submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 605(b), EPA certifies that these amendments will not have a significant economic impact on a substantial number of small businesses. The Agency cannot determine whether parties affected by these amendments are likely to be small businesses. However, EPA believes that the number of small businesses affected by this proposed rule would not be substantial even if all the potential new uses were developed by small companies. EPA expects to receive few SNUR notices for the substances subject to the amendments.

C. Paperwork Reduction Act

OMB has approved the information collection requirements contained in the proposed rule under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq. and has assigned OMB control number 2070–0012. Comments on these requirements should be submitted to the Office of Information and Regulatory Affairs of OMB, marked Attention: Desk Officer for EPA. The final rule package will respond to any OMB or public comments on the information collection requirements.

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Recordkeeping and reporting requirements, Significant new uses.

Dated: April 10, 1986.

J. A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

PART 721—[AMENDED]

Therefore, it is proposed that 40 CFR Part 721 be amended as follows:

1. The authority citation for Part 721 would continue to read as follows:

Authority: 15 U.S.C. 2604 and 2607.

2. In § 721.1 by revising paragraphs (a) and (b) to read as follows:

§ 721.1 Scope and applicability.

(a) This Part identifies uses of chemical substances which EPA has determined are significant new uses under the authority of section 5(a)(2) of the Toxic Substances Control Act. In addition, it specifies procedures for manufacturers, importers, and processors to report on those significant new uses. This Subpart A contains general provisions applicable to this Part. Subpart B of this Part identifies generic requirements for certain significant new uses cross referenced in specific provisions of Subpart C of this Part. Subpart C of this Part identifies chemical substances and their significant new uses.

(b) This Subpart A contains provisions governing submission and review of notices for the chemical substances and significant new uses identified in Subpart C of this Part. The provisions of this Subpart A apply to the chemical substances and significant new uses identified in Subpart C of this Part except to the extent they are specifically modified or supplanted by specific requirements in Subpart C of this Part. In the event of a conflict between the provisions of this Subpart A and the provisions of Subpart C of this Part, the provisions of Subpart C of this Part shall govern.

* * * * *

3. In § 721.5 by revising the entire section to read as follows:

§ 721.5 Persons who must report.

(a) The following persons must submit a significant new use notice as specified under the provisions of section 5(a)(1)(B) of the Act, Part 720 of this chapter, and § 721.10.

(1) A person who intends to manufacture, import, or process for commercial purposes a chemical substance identified in a specific section in Subpart C of this Part, and intends to engage in a significant new use of the substance identified in that section.

(2) A person who intends to manufacture, import, or process for commercial purposes a chemical substance identified in a specific section in Subpart C of this Part, and intends to distribute the substance in commerce. A person described in this paragraph is not required to submit a significant new use notice if that person can document one of the following:

(i) That the person has notified all recipients of the substance, in writing, of the specific section in Subpart C of this Part which identifies the substance and its designated significant new uses.

(ii) That the recipients have knowledge of the specific section in Subpart C of this Part which identifies the substance and its designated significant new uses.

(iii) That the recipients cannot undertake any significant new use described in the specific section in Subpart C of this Part.

(b) A person described in paragraph (a)(2) of this section must submit a significant new use notice if that person has knowledge at the time of commercial distribution of the substance identified in the specific section in Subpart C of this Part that a recipient intends to engage in a designated significant new use of that substance without submitting a notice under this Part.

(c) A person who processes a chemical substance identified in a specific section in Subpart C of this Part for a significant new use of that substance is not required to submit a significant new use notice if that person can document the following:

(1) That the person does not know the specific chemical identity of the chemical substance being processed, and

(2) That the person is processing the chemical substance without knowledge that the substance is identified in Subpart C of this Part.

(d) If at any time after commencing distribution in commerce of a chemical substance identified in a specific section in Subpart C of this Part a person described in paragraph (a)(2) of this section has knowledge that a recipient of the substance is engaging in a significant new use of that substance designated in that section without submitting a notice under this Part, the person is required to cease supplying the chemical substance to that recipient and to submit a significant new use notice for that chemical substance and significant new use, unless the person is able to document the following:

(1) That the person has ceased supplying the chemical substance to the

recipient when the person had knowledge that the recipient is engaging in a significant new use or processing the substance for a significant new use without submitting a notice under this Part.

(2) That the person has promptly notified EPA enforcement authorities that the recipient is engaging in a significant new use or processing the substance for a significant new use without submitting a notice under this Part.

(3) That the person has not resumed supplying the chemical substance to the recipient until all notices required under this Part have been submitted to EPA and the notice review periods have ended without regulatory action by EPA.

(e) Any significant new use notice relating to import of a substance must be submitted by the principal importer.

4. In § 721.6 by revising paragraphs (a) and (e) to read as follows:

§ 721.6 Applicability determination when the specific chemical identity is confidential.

(a) A person who intends to manufacture, import, or process a chemical substance which is described by a generic chemical name in Subpart C of this Part may ask EPA whether the substance is subject to the requirements of this Part. EPA will answer such an inquiry only if EPA determines that the person has a bone fide intent to manufacture, import, or process the chemical substance for commercial purposes.

* * * * *

(e) If the manufacturer, importer, or processor has shown a bond fide intent to manufacture, import, or process the substance and has provided sufficient unambiguous chemical identity information to enable EPA to make a conclusive determination as to the identity of the substance, EPA will inform the manufacturer, importer, or processor whether the chemical substance is subject to this Part and, if so, which section in Subpart C of this Part applies.

* * * * *

5. In § 721.7 by revising the entire section to read as follows:

§ 721.7 Exports and imports.

Persons who intend to export a substance identified in Subpart C of this Part, or in any proposed rule which would amend Subpart C of this Part, are subject to the export notification provisions of TSCA section 12(b). The regulations that interpret section 12(b) appear at 40 CFR Part 707. Persons who import a substance identified in a specific section in Subpart C of this Part are subject to the TSCA section 13 import certification requirements, which are codified at 19 CFR 12.118 through 12.127 and 127.28. The EPA policy in support of the import certification rquirements appears at 40 CFR Part 7076.

6. In § 721.10 by revising paragraphs (a), (b), and (d) to read as follows:

§ 721.10 Notice requirements and procedures.

(a) Each person who is required to submit a significant new use notice under this Part must submit the notice at least 90 calendar days before commencing manufacture, import, or processing of a chemical substance identified in Subpart C of this Part for a significant new use. The submitter must comply with any applicable requirement of section 5(b) of the Act, and the notice must include the information and test data specified in section 5(d)(1) of the Act. The notice must be submitted on the notice form in Appendix A to Part 720 of this chapter and must comply with the requirements of Part 720, except to the extent that they are inconsistent with this Part 721.

(b) If two or more persons are required to submit a significant new use notice for the same chemical substance and significant new use identified in Subpart C of this Part, they may submit a joint notice to EPA. Persons submitting a joint notice must individually complete the certification section of Part I of the required notification form. Persons who are required to submit individually, but elect to submit jointly, remain individually liable for the failure to submit required information which is known to or reasonably ascertainable by them and test data in their possession or control.

* * * * *

(d) Any person submitting a significant new use notice in response to the requirements of this Part 721 shall not manufacture, import, or process a chemical substance identified in Subpart C of this Part for a significant new use until the notice review period, including all extensions and suspensions, has expired.

7. By adding a new § 721.12 to read as follows:

§ 721.12 EPA approval of alternative control measures.

(a) In certain sections in Subpart C of this Part, significant new uses for the identified substances are described as the failure to establish and implement programs providing for the use of either: specific measures to control worker exposure to or environmental release of substances which are identified in such sections, or alternative measures to control worker exposure or environmental release, which EPA has determined provide substantially the same degree of protection as the specified control measures. Persons who manufacture, import, or process a chemical substance identified in such sections and who intend to employ alternative measures to control worker exposure or environmental release must submit a request to EPA for a determination of equivalency before commencing manufacture, import, or processing involving the alternative control measures.

(b) A request for a determination of equivalency must be submitted in writing and must contain:

(1) The name of the submitter.

(2) The specific chemical identity of the substance.

(3) The citation for the specific section in Subpart C of this Part which pertains to the substance for which the request is being submitted.

(4) A detailed description of the activities involved.

(5) The specifications of the alternative worker exposure control measures or environmental release control measures.

(6) An analysis justifying why such alternative control measures provide substantially the same degree of protection as the specific control measures identified in the specific section in Subpart C of this Part which pertains to the substance for which the request is being submitted.

(7) The data and information described in § 720.50 (a) and (b) of this chapter unless such data and information have already been submitted to the Office of Toxic Substances, EPA.

(c) Requests for determinations of equivalency will be reviewed by EPA within 45 days. Notice of the results of such determinations will be mailed to the submitter.

(d) If EPA notifies the submitter under paragraph (c) of this section that the Agency has determined that the alternative control measures provide substantially the same degree of protection as the specific control measures identified in the specific section of Subpart C of this Part which pertains to the substance for which the request is being submitted, then the submitter may commence manufacture, import, or processing in accordance with the specifications for alternative worker exposure control measures or environmental release control measures identified in the submitter's request, and

may alter any corresponding notification to workers to reflect such alternative controls. Deviations from the activities described in the EPA notification constitute a significant new use and are subject to the requirements of this Part.

8. By redesignating § 721.19 as § 721.18, by revising the introductory text and paragraphs (a) and (b), and by adding a new paragraph (h), to read as follows:

§ 721.18 Exemptions.

The persons identified in § 721.5 are not subject to the notification requirements of § 721.10 for a chemical substance identified in Subpart C of this Part if:

(a) The person has applied for and has been granted an exemption for test marketing the substance for a significant new use identified in Subpart C of this Part in accordance with section 5(h)(1) of the Act and § 720.38 of this chapter.

(b) The person manufactures, imports, or processes the substance for a significant new use identified in Subpart C of this Part in small quantities solely for research and development in accordance with § 721.19.

* * * * *

(h) The person submits a significant new use notice for the substance prior to the promulgation date of the section in Subpart C of this Part which identifies the substance, and the person receives written notification of compliance from EPA prior to the effective dates of such section. The notice submitter must comply with any applicable requirement of section 5(b) of the Act. The notice must include the information and test data specified in section 5(d)(1) of the Act and must be submitted on the notice form in Appendix A to Part 720 of this chapter. For purposes of this exemption, the specific section in Subpart C of this Part which identifies the substance and §§ 721.1, 721.3, 721.6, 721.13, and 721.17 apply; after the effective date of the section in Subpart C of this Part which identifies the substance, §§ 721.5 and 721.7 also apply. EPA will provide the notice submitter with written notification of compliance only if one of the following occurs:

(1) EPA is unable to make the finding that the activities described in the significant new use notice will or may present an unreasonable risk of injury to health or the environment under reasonably foreseeable circmustances.

(2) EPA and the person negotiate a consent order under section 5(e) of the Act, such order to take effect on the effective date of the section in Subpart C of this Part which identifies the substances.

9. By adding a new § 721.19 to read as follows:

§ 721.19 Conditions for research and development exemption.

(a) A person who manufactures, imports, or processes a chemical substance identified in Subpart C of this Part for a significant new use identified in Subpart C of this Part is not subject to the notification requirements of § 721.10 if the following conditions are met:

(1) The person manufactures, imports, or processes the substance for the significant new use in small quantities solely for research and development.

(2) The manufacture, importer, or processor notifies all persons in its employ or to whom it directly distributes the chemical substance, who are engaged in experimentation, research, or analysis on the chemical substance, including the manufacture, processing, use, transport, storage, and disposal of the substance associated with research and development activities, of any risk to health, identified under paragraph (b) of this section, which may be associated with the substance. The notification must be made in accordance with paragraph (c) of this section.

(3) The chemical substance is used by, or directly under the supervision of, a technically qualified individual.

(b)(1) To determine whether notification under paragraph (a)(2) of this section is required, the manufacturer, importer, or processor must review and evaluate the following information to determine whether there is reason to believe there is any risk to health which may be associated with the chemical substance:

(i) Information in its possession or control concerning any significant adverse reaction by persons exposed to the chemical substance which may reasonably be associated with such exposure.

(ii) Information provided to the manufacturer, importer, or processor by a supplier or any other person concerning a health risk believed to be associated with the substance.

(iii) Health and environmental effects data in its possession or control concerning the substance.

(iv) Information on health effects which accompanies any EPA rule or order issued under sections 4, 5, or 6 of the Act that applies to the substance and of which the manufacturer, importer, processor has knowledge.

(2) When the research and development activity is conducted solely in a laboratory and exposure to the chemical substance is controlled through the implementation of prudent laboratory practices for handling chemical substances of unknown toxicity, and any distribution, except for purposes of disposal, is to other such laboratories for further research and development activity, the information specified in paragraph (b)(1) of this section need not be reviewed and evaluated. (For purposes of this paragraph (b)(2), a laboratory is a contained research facility where relatively small quantities of chemical substances are used on a non-production basis, and where activities involve the use of containers for reactions, transfers, and other handling of substances designed to be easily manipulated by a single individual.)

(c)(1) The manufacturer, importer, or processor must notify the persons identified in paragraph (a)(2) of this section by means of a container labeling system, conspicuous placement of notices in areas where exposure may occur, written notification to each person potentially exposed, or any other method of notification which adequately informs persons of health risks which the manufacturer, importer, or processor has reason to believe may be associated with the substance, as determined under paragraph (b)(1) of this section.

(2) If the manufacturer, importer, or processor distributes a chemical substance manufactured, imported, or processed under this section to persons not in its employ, the manufacturer, importer, or processor must in written form:

(i) Notify those persons that the substance is to be used only for research and development purposes.

(ii) Provide the notice of health risks specified in paragraph (c)(1) of this section.

(3) The adequacy of any notification under this section is the responsibility of the manufacturer, importer, or processor.

(d) Quantities of the chemical substance, or of mixtures or articles containing the chemical substance, remaining after completion of research and development activities may be:

(1) Disposed of as a waste in accordance with applicable Federal, State, and local regulations, to the extent the disposal activity is not identified as a significant new use in Subpart C, or

(2) Used for a commercial purpose, to the extent the use is not identified as a significant new use in Subpart C of this Part.

(e)(1) Persons who manufacture, import, or process a chemical substance under this section must retain the following records:

(i) Copies of or citations to information reviewed and evaluated under paragraph (b)(1) of this section to determine the need to make any notification of risk.

(ii) Documentation of the nature and method of notification under paragraph (c)(1) of this section including copies of any labels or written notices used.

(iii) Documentation or prudent laboratory practices used instead of notification and evaluation under paragraph (b)(2) of this section.

(iv) The names and addresses of any persons other than the manufacturer, importer, or processor to whom the substance is distributed, the identity of the substance, the amount distributed, and copies of the notifications required under paragraph (C)(2) of this section.

(2) [Reserved]

10. By redesignating existing Subpart B as Subpart C, without any change in existing section numbers, and by adding a new Subpart B to read as follows:

Subpart B—Generic Requirements for Certain Significant New Uses

Sec.

Subpart B—Generic Requirements for Certain Significant New Uses

§ 721.20 Applicability.

This Subpart B identifies generic requirements for certain significant new uses of specific chemical substances identified in Subpart C of this Part. The provisions of this Subpart apply only when referenced in specific sections of Subpart C of this Part.

§ 721.27 Employee information.

Whenever referenced in a specific section in Subpart C of this Part, the requirements for providing employees with information on the identified chemical substance are as follows:

(a) The manufacturer, importer, or processor shall ensure that employees are provided with information, either in writing or through training, on the substance identified in the specific section in Subpart C of this Part, at the time of their initial assignment to a work area where the substance is present, and whenever the substance is introduced into their work area.

(b) Information provided to employees shall include:

(1) The potential human health and/or environmental hazards, as specified in the specific section in Subpart C of this Part.

(2) The personal protective equipment, engineering controls, and other measures to control worker exposure and/or environmental release identified in the specific section of Subpart C of this Part, or alternative control measures which EPA has determined under § 721.12 provide substantially the same degree of protection as the specified control measures.

(3) Identification of all operations in the employee's work areas where the substance is present.

(4) The location and availability of any material safety data sheets required for the substance by the specific section in Subpart C of this Part in accordance with § 721.35.

(5) Methods and observations that may be used to detect the presence or release of the substance in the employee's work area (such as monitoring conducted by the employer, continuous monitoring devices, visual appearance, or odor).

§ 721.30 Labeling for distribution in commerce.

Whenever referenced in a specific section of Subpart C of this Part, the requirements for labeling containers of the chemical substance for distribution in commerce are as follows:

(a) The manufacturer, importer, or processor shall ensure that each container of the substance leaving the workplace is labeled in accordance with this section.

(b) The label shall contain the following information:

(1) The first word on the label shall be the word "WARNING."

(2) The name of the substance as identified in the specific section in Subpart C of this Part and the trade name or names by which may be commonly recognized.

(3) The potential human health and/or environmental hazards as identified in the specific section in Subpart C of this Part.

(4) The personal protective equipment, engineering controls, and other measures to control worker exposure and/or environmental release identified in the specific section of Subpart C of this Part, or alternative control measures which EPA has determined under § 721.12 provide substantially the same degree of protection as the specified control measures.

(c) The first word on the label shall be capitalized, and the type size of the first word shall be no smaller than 6 point type for a label 5 square inches or less in area, 10 point type for a label above 5 but no greater than 10 square inches in area, 12 point type for a label above 10 but no greater than 15 square inches in area, 14 point type for a label above 15 but no greater than 30 square inches in area, or 18 point type for a label over 30 square inches in area, and the type size of the remainder of the warning statement shall be no smaller than 6 point type.

(d) The label shall not conflict with the requirements of the Hazardous Materials Transportation Act (18 U.S.C. 1801 et seq.) and regulations issued under that Act by the Department of Transportation.

(e) If the label is to be applied to a mixture containing a substance identified in a specific section in Subpart C of this Part, in combination with another substance identified in a specific section in Subpart C of this Part and/or a substance defined as a "hazardous chemical" for the purposes of the Occupational Safety and Health Administration's Hazard Communication Standard (29 CFR 1900.1200), the manufacturer, importer, or processor may prescribe on the label the measures to control worker exposure or environmental release which the manufacturer, importer, or processor determines provide the greatest degree of protection. However, should these control measures differ from those identified in the specific sections in Subpart C of this Part, the manufacturer, importer, or processor must seek a determination of equivalency for such alternative control measures pursuant to § 721.12 before prescribing them on a label.

(f) The label shall be in English and shall be prominently displayed on the container. The label may be in languages other than English as long as the information is presented in English as well.

(g) The label shall be made available, upon request, to designated representatives of EPA.

§ 721.32 Labeling for use in the workplace.

Whenever referenced in a specific section in Subpart C of this Part, the requirements for labeling containers for the use of the chemical substance in the workplace are as follows:

(a) The manufacturer, importer, or processor shall ensure that each container of the substance which is in the workplace is labeled, tagged, or marked in accordance with this section.

(b) The label, tag, or other method of warning shall contain the following information:

(1) The first word shall be the word "WARNING."

(2) The name of the substance as identified in the specific section of Subpart C of this Part and the trade

name or names by which it may be commonly recognized.

(3) The potential human health and/or environmental hazards identified in the specific section in Subpart C of this Part.

(4) Any personal protective equipment, engineering controls, or other measures to control worker exposure and/or environmental release identified in the specific section in Subpart C of this Part, or alternative control measures which EPA has determined under § 721.12 provide substantially the same degree of protection as the specified control measures.

(c) If the label or alternative method of warning is to be applied to a mixture containing a substance identified in a specific section in Subpart C of this Part, in combination with another substance identified in a specific section in Subpart C of this Part and/or a substance defined as a "hazardous chemical" for the purposes of the Occupational Safety and Health Administration's Hazard Communication Standard (29 FR 1900.1200), the manufacturer, importer, or processor may prescribe on the label or alternative method of warning the measures to control worker exposure or environmental release which the manufacturer, importer, or processor determines provide the greatest degree of protection. However, should these control measures differ from those identified in the specific sections in Subpart C of this Part, the manufacturer, importer, or processor must seek a determination of equivalency for such alternative control measures pursuant to § 721.12 before prescribing them under this paragraph.

(d) Manufacturers, importers, and processors subject to this section may use signs, placards, process sheets, batch tickets, operating procedures, or other such written materials in lieu of affixing labels to individual stationary process containers, as long as the chosen method of warning identifies the containers to which it is applicable and conveys the information required by paragraph (b) (1) through (4) of this section. The written materials shall be readily accessible to the employees in their work area throughout each work shift.

(e) Manufacturers, importers, and processors subject to this section are not required to label portable containers into which substances identified in Subpart C of this Part are transferred from labeled containers, as long as the method chosen under paragraph (d) of this section identifies the containers to which it is applicable and conveys the information required by paragraph (b) (1) through (4) of this section.

(f) The manufacturer, importer, or processor subject to this section shall ensure that the label or other form of warning is legible, in English, and prominently displayed on the container, or readily available in the work area throughout each work shift. Employers with employees who speak languages other than English may provide the information in the employee's language, as long as the information is presented in English as well.

(g) The label or other form of warning shall be made available, upon request, to designated representatives of the EPA.

§ 721.35 Material safety data sheets.

Whenever referenced in a specific section in Subpart C of this Part, the requirements for obtaining or developing a material safety data sheet (MSDS) for the chemical substance are as follows:

(a) Each MSDS shall be in English and shall contain at least the following information:

(1) The name of the substance as identified in the specific section in Subpart C of this Part and the trade name or names by which it may be commonly recognized.

(2) The potential human health and/or environmental hazards as identified in the specific section in Subpart C of this Part.

(3) Any personal protective equipment, engineering controls, or other measures to control worker exposure and/or environmental release identified in the specific section in Subpart C of this Part, or alternative control measures which EPA has determined under § 721.12 provide substantially the same degree of protection as the specified control measures.

(4) Any time weighted average, threshold limit value, or other exposure limit identified in the specific section in Subpart C of this Part.

(b) If the MSDS is to be associated with a mixture that contains a substance identified in a specific section in Subpart C of this Part, in combination with another substance identified in a specific section in Subpart C of this Part and/or a substance defined as a "hazardous chemical" for the purposes of the Occupational Health and Safety Administration Hazard Communication Standard (29 CFR 1900.1200), the manufacturer, importer, or processor may prescribe in the MSDS the measures to control worker exposure or environmental release which the manufacturer, importer, or processor determines provide the greatest degree of protection. However, should these control measures differ from those identified in the specific sections in Subpart C of this Part, the manufacturer, importer, or processor must seek a determination of equivalency for such alternative control measures pursuant to § 721.12 before prescribing them under this paragraph.

(c) Manufacturers, importers, and processors subject to this section shall ensure that the information recorded in the MSDS accurately reflects the applicable terms and conditions provided in the specific section in Subpart C of this Part during the time that they manufacture, import, or process the substance identified in such section. Whenever the terms in the specific section of Subpart C of this Part are amended during the time that the manufacturer, importer, or processor is engaging in that activity, the manufacturer, importer, or processor shall revise the MSDS within 3 months of the effective date of such amendment.

(d) Manufacturers, importers, and processors subject to this section shall ensure that recipients of the substance identified in the specific section in Subpart C of this Part are provided an appropriate MSDS with their initial shipment and with the first shipment following the revision of an MSDS. The manufacturer, importer, or processor shall either provide the MSDS with the shipped containers or send the MSDS to the recipient prior to or at the time of shipment.

(e) The MSDS may be kept in any form, including operating procedures, and may be designated to cover groups of substances in a work area where it may be more appropriate to address the potential hazards of a process rather than individual substances. However, the manufacturer, importer, or processor shall ensure that, in all cases, the required information is provided for each substance and is readily accessible during each work shift to employees when they are in their work areas.

(f) The MSDS shall be made available, upon request, to designated representatives of EPA.

10. In § 721.180 by revising the introductory text of paragraph (a)(2) (ii) and (ii) (A), and (B), and (C) to read as follows:

§ 721.180 Substituted polyglycidyl benzeneamine.

(a) * * *

(2) * * *

(ii) Manufacture (excluding import) or processing without:

(A) Requiring, during all stages of manufacture and processing of the

substance, and during response to emergencies or spills involving the substance, that any person employed by or under the control of the manufacturer or processor wear the following protective equipment, or employ other measures to control worker exposure which EPA has determined, in accordance with § 721.12, provide substantially the same degree of protection against exposure to the substance as the control measures described in this paragraph (a)(2)(ii)(A):

* * * * *

(B) Providing each employee described in paragraph (a)(2)(ii)(A) of this section with the following information in accordance with § 721.27: They should avoid all contact with this substance; structurally similar chemicals have been found to cause cancer and reproductive, kidney, and liver effects in laboratory animals, and allergic reactions in humans; this substance is a severe skin and eye irritant; and the use of impervious gloves, face shields, and other clothing to cover exposed areas of the arms, legs, and torso is required.

(C) Labeling containers for distribution of the chemical substance in commerce in accordance with § 721.30 to convey the information described in paragraph (a)(2)(ii)(B) of this section.

* * * * *

11. In § 721.290 by revising paragraph (a) (2)(ii) and (iii), to read as follows:

§ 721.290 Dicarboxylic acid monoester.

(a) * * *

(ii) Failure to require the use of gloves determined to be impervious to the substance, and/or failure to require the use of clothing to prevent dermal contact for any person involved in any processing or use operation where dermal contact may occur, or other measures to control worker exposure which EPA has determined, in accordance with § 721.12, provide substantially the same degree of protection against dermal exposure to the substance as the control measures described in this paragraph (a)(2)(ii). (Gloves may be determined to be impervious to the substance either by testing the gloves under the conditions of use or by relying on the manufacturer's specifications.)

(iii) Distribution in commerce without labeling containers in accordance with § 721.30 with the following information:

(A) The substance may be harmful if inhaled or absorbed through the skin.

(B) Persons must not breathe vapor, mist, spray, or dust containing the substance.

(C) Persons must not get any of the substance in the eyes, on skin, or on clothing.

(D) The substance is to be used only with adequate ventilation.

(E) Persons potentially exposed to the substance must wear impervious gloves and protective equipment to prevent contact or exposure and that contaminated non-impervious clothing must be promptly removed and washed before reuse.

(F) Contaminated leather shoes must be discarded.

(G) Persons exposed to the substance must wash thoroughly after handling the substance, and before eating, drinking, or smoking.

(H) All containers of the substance must be kept closed when not in use.

(I) The following first aid measures should be taken when necessary:

(*1*) In case of contact with eyes, immediately flush with water for at least 15 minutes.

(*2*) In case of contact with skin, promptly wash thoroughly with mild soap and water.

(*3*) In case of inhalation, remove the exposed person to fresh air. If breathing is difficult, give oxygen.

(*4*) In case of ingestion, and if conscious, give water and induce vomiting.

* * * * *

12. In § 721.615 by revising the entire section to read as follows:

§ 721.615 Substituted methylpyridine and substituted 2-phenoxypyridine.

(a) *Chemical substances and significant new uses subject to reporting.* (1) The following chemical substances referred to by generic chemical names and premanufacture notice numbers are subject to reporting under this section for the significant new uses listed in paragraph (a)(2) of this section: substituted methylpyridine (P–83–24, P–83–49, and P–83–272) and substituted 2-phenoxypyridine (P–83–23, and P–83–75).

(2) The significant new uses for P–83–49 and P–83–272 are manufacturing, importing, or processing without:

(i) Requiring use of the following personal protective equipment, or other measures to control worker exposure which EPA has determined, in accordance with § 721.12, provide substantially the same degree of protection against exposure to the substances as the control measures described in this paragraph (a)(2)(i), for persons involved in any operation where dermal contact and/or inhalation may occur, and where local exhaust ventilation is present at the site of the operation:

(A) Chemical cartridge respirator, approved by the National Institute for Occupational Safety and Health for protection from organic vapors, and used and fitted according to 29 CFR 1910.134 and 30 CFR Part 11.

(B) Chemical worker gloves and aprons or other equivalent personal protective clothing determined to be impervious to the particular substance in its conditions of use. (Equipment may be determined to be impervious either by testing under the conditions of use, including the duration of exposure, or by evaluating the specifications supplied by the supplier of the equipment.)

(ii) Requiring use of the following personal protective equipment, or other measures to control worker exposure which EPA has determined, in accordance with § 721.12, provide substantially the same degree of protection against exposure to the substances as the control measures described in this paragraph (a)(2)(ii), for persons involved in and in the immediate area of any operation where dermal contact and/or inhalation of the substances may occur, and where local exhaust ventilation is not present at the site of the operation:

(A) Full facepiece, positive pressure air-supplied respirator, approved by the Bureau of Mines, Department of Interior or by the National Institute for Occupational Safety and Health and fitted according to procedures established at 29 CFR 1910.134.

(B) Chemical worker gloves and aprons, or other equivalent personal protective clothing determined to be impervious to the particular substance in its conditions of use. (Equipment may be determined to be impervious either by testing under the conditions of use, including the duration of exposure, or by evaluating the specifications supplied by the supplier of the equipment.)

(iii) Providing each employee required to use the protective equipment described in paragraph (a)(2) (i) or (ii) of this section with the following information in accordance with § 721.27: Each of the substances may elicit liver, kidney, and nervous system toxicity; and the protective equipment described in this paragraph (a)(2) is required to be worn.

(3) The significant new uses for P–83–23, P–83–24, and P–83–75 are manufacturing, importing, or processing without:

(i) Requiring use of the following personal protective equipment, or other measures to control worker exposure which EPA has determined, in accordance with § 721.12, provide substantially the same degree of

protection against dermal exposure to the substance as the control measures described in this paragraph (a)(3)(i), for persons involved in any operation where dermal contact may occur.

(A) Chemical goggles.

(B) Chemical worker gloves and aprons, or other equivalent personal protective clothing determined to be impervious to the particular substance in its conditions of use. (Equipment may be determined to be impervious either by testing under the conditions of use, including the duration of exposure, or by the supplier of the equipment.)

(ii) Providing each employee required to use the protective equipment described in paragraph (a)(3)(i) of this section with the following information in accordance with § 721.27: Each of the substances may elicit liver, kidney, and nervous system effects in humans; P–83–23 and P–83–24 may cause skin and eye effects; P–83–23 and P–83–75 may cause reproductive effects; and the protective equipment described in paragraph (a)(3)(i) of this section must be worn.

* * * * *

13. In § 721.975 by revising the introductory text of paragraph (a)(2)(i), and paragraph (a)(2)(i)(B) to read as follows:

§ 721.975 Derivative of tetrachloroethylene.

(a) * * *

(2) The significant new uses are:

(i) Manufacturing, importing, or processing without requiring use of the following protective equipment, or other measures to control worker exposure which EPA has determined, in accordance with § 721.12, provide substantially the same degree of protection against exposure to the substance as the control measures described in this paragraph (a)(2)(i), for persons employed by or under the control of the manufacturer, importer, or processor who are in the immediate area of any operation where dermal contact and/or inhalation of the substance may occur:

* * * * *

(B) Labeled for use of the substance in the workplace in accordance with § 721.32 to convey the following information:

(*1*) The substance should be handled only while using a NIOSH approved respirator and impervious gloves.

(*2*) [Reserved]

* * * * *

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federal register

Tuesday
April 22, 1986

Part III

Department of Housing and Urban Development

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

Section 8 Housing Assistance Payments Program; Fair Market Rent Schedules for Use in the Existing Housing Certificate Program, Loan Management and Property Disposition Programs, Moderate Rehabilitation Program, and Housing Voucher Program; Final Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

[Docket No. N-86-1573; FR-2133]

Section 8 Housing Assistance Payments Program; Fair Market Rent Schedules For Use in the Existing Housing Certificate Program, Loan Management and Property Disposition Programs, Moderate Rehabilitation Program, and Housing Voucher Program

AGENCY: Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final notice.

SUMMARY: The Department published proposed Fair Market Rents on January 2, 1986, and solicited public comment. 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. The Department indicated in the proposed Notice that effective Fair Market Rents may be announced in one or more publications. Today's document is the first of two announcements of effective Fair Market Rents, which establishes Fair Market Rents for 2328 of the 2758 rent market areas in the country.

EFFECTIVE DATE: These Fair Market Rents are effective on April 22, 1986.

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 Michael R. Allard, Economic and Market Analysis Division, Office of Economic Affairs, telephone (202) 755-5577. (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 2758 different rent market areas in the country. The final FMRs contained in this document amend portions of the schedules previously in effect for the Section 8 Existing Housing Certificate Program, including space rentals by owners of manufactured homes (Part 882, Subparts A, B, and F), for the Moderate Rehabilitation Program (Part 882, Subparts D and E), and for existing housing assisted under Part 886, Subparts A and C. FMRs also are used in determining the amount of subsidy for a family under the Section 8 Housing Voucher Program.

Proposed Fair Market Rents

The Department proposed fiscal year 1986 FMRs on January 2, 1986 (51 FR 75) [1], which reflect estimated rent levels as of April 1, 1986. The criteria and methodology used by HUD in developing the proposed FMRs are the same as those appearing at 24 CFR Part 888, Subpart A, which have been used since 1983. They include: (1) The 45th percentile rent (the rent below which 45 percent of the standard quality rental housing units in a market area 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 Department used 1980 Census data for the first time when developing the 45th percentile standard FMRs for fiscal year 1986. These data resulted in proposed FMRs that were higher than the fiscal year 1985 FMRs in approximately 81 percent of the metropolitan FMR areas and 70 percent of the nonmetropolitan areas. The 1980 Census data also resulted in proposed reductions in the fiscal year 1985 FMRs in approximately 19 percent of the metropolitan areas and 30 percent of the nonmetropolitan areas. (In addition to the proposed FMRs published on January 2, 1986, see a correction document reproposing rents for 148 nonmetropolitan market areas published in the **Federal Register** on February 18, 1986, 51 FR 5804.)

In the January 2, 1986 proposed Notice, the Department indicated that it may announce fiscal year 1986 FMRs in one or more subsequent publications. The FMRs published for effect today do not constitute the complete listing of FMRs. The Department intends to publish another notice announcing final FMRs for *all* market areas. To help decided which FMRs could be published for effect in an expedited fashion, the Department requested that anyone planning to comment submit a Notice of Intent to Comment by February 18, 1986. The Department used these Notices to assist in determining which Fair Market Rents could be published for effect without waiting to complete the analysis of all the submitted comments. Any area which is not included in today's document will continue to use the FMRs previously published for effect pending the second final Notice announcing FMRs for all market areas.

[1] This notice was published in the "Notices" section of the Federal Register It should have appeared in the "Proposed Rule" section.

Fair Market Rent Schedules in This Document

This document announces FMRs for effect for 2328 market areas. All FMRs appearing in today's document are effective upon publication. The FMRs are listed in four parts—three in Schedule B (Fair Market Rents for Existing Housing) and one in Schedule D (Final Fair Market Rents for Manufactured Home Spaces in the Section 8 Existing Housing Certificate Program).

Schedule B, Part 1 contains FMRs for all areas for which no Notice of Intent was submitted by any party, including areas proposed for decreases as well as increases. Part 1 does *not* contain FMRs for any area for which a Notice of Intent or a comment was submitted (but see Part 2 and Part 3, which list FMRs for some areas for which Notices of Intent have been submitted).

Part 2 of Schedule B consists of FMRs for all market areas for which Notices of Intent have been received and that were proposed by HUD for no change or for increases for all bedroom sizes. These FMRs are now being made effective as proposed, although the Department may approve further changes, as warranted, in response to the comments and publish those changes in the second Notice of FMRs for effect.

Part 3 of Schedule B consists of FMRs for all market areas for which Notices of Intent have been received and for which the FMRs proposed by HUD consisted of a mixture of increases and decreases for the various bedroom sizes. For example, the Department may have proposed, for a single market area, an increase in the zero-bedroom FMR, but decreases in all other bedroom sizes. If a Notice of Intent to Comment was submitted for the area, FMRs for the area are included in Part 3, with the proposed increases published as final (in this case, the proposed zero-bedroom) and with FMRs for all other bedroom sizes remaining at the 1985 levels pending review of the public comment.

The areas omitted from Parts 1, 2, and 3 of Schedule B are those areas that submitted Notices of Intent to Comment and for which decreases (or a

combination of decreases and no change) were proposed by HUD for all bedroom sizes. The 1985 FMRs will remain in effect until the Department reviews all comments and publishes the second Notice of FMRs for effect.

In addition, for purposes of publishing FMRs for effect, the Department considers the 148 areas that were the subject of the February 18, 1986 correction document (see 51 FR 5804) as market areas with proposed FMRs decreases for which Notices of Intent to Comment have been filed. Accordingly, none of the areas listed in the February 18, 1986 Federal Register Notice appear in final form in today's document. They will be processed and published as final with the second Notice of FMRs for effect.

Schedule D contains the Fair Market Rents for Manufactured Home Spaces in the Section 8 Existing Housing Program. Since all FMRs were proposed for an increase, the Department is publishing the entire schedule for effect today. There may be further changes for some market areas based on analysis of the comments submitted for specific market areas.

Applicability of Fair Market Rent Schedules

The final FMRs are used to determine assistance amounts for several HUD housing assistance programs. 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 FMR for the Existing Housing Certificate Program and the Moderate Rehabilitation Program. For the Housing Voucher Program, the Payment Standard for SRO units is between 75 and 100 percent of the applicable zero-bedroom FMR or exception rent. 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 zero-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, based on the presence or absence of kitchen and sanitary facilities.

Administrative Fees

The FMRs published for effect will be used to calculate the administrative fee in two phases. For a PHA administering a Section 8 program in a jurisdiction where the two-bedroom FMR has increased, the PHA's administrative fee will be adjusted as of the first day of the first month following the effective date (today) of the FMRs appearing in this document. 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 (today) of the FMRs appearing in this document.

The Department is aware that comments being submitted under the notice and comment procedure for establishing the Fair Market Rents have raised the issue of changing the timing procedure for computing the administrative fee. The review of the public comments is proceeding, but the Department has decided to discuss all comments and the Department's response to the comments in the second final FMR notice. Accordingly, the procedure identified above should be used pending any modification in a future publication.

Future Publications

The Department will publish a second Notice announcing final FMRs for effect. This Notice will contain a complete listing of all FMRs for effect, as well as an analysis of and response to all public comments received.

In addition, the Department anticipates publishing another series of FMR documents this fiscal year (FY 86). Data received from HUD Field Offices seems to indicate localized changes in some housing markets. Accordingly, the Department may propose new FMRs, subject to public comment, for specific areas where it believes this new data provides a more accurate estimate of the 45th percentile rent level of standard quality rental units occupied by recent movers, excluding public housing units and units less than two years old.

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 amended as follows:

Dated: April 15, 1986.

Silvio DeBartolomeis,

Acting 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.

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 032786
PART 1 - FINAL FMRS, NO INTENTS TO COMMENT

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
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
BIBB	179	218	257	321	359
BUTLER	174	211	249	311	349
CHEROKEE	183	222	261	327	366
CHOCTAN	201	245	288	360	403
CLAY	183	222	261	327	366
CONECUH	201	245	288	360	403
CRENSHAW	174	211	249	311	349
DALLAS	201	245	288	360	403
FAYETTE	179	218	257	321	359
HALE	179	218	257	321	359
LAMAR	179	218	257	321	359
LEE	229	278	327	409	458
LOWNDES	174	211	249	311	349
MARSHALL	197	240	280	348	388
MORGAN	223	271	319	399	447
PICKENS	179	218	257	321	359
RANDOLPH	183	222	261	327	366
TALLADEGA	183	222	261	327	366
WASHINGTON	201	245	288	360	403

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BULLOCK	174	211	249	311	349
CHAMBERS	183	222	261	327	366
CHILTON	179	218	257	321	359
CLARKE	201	245	288	360	403
CLEBURNE	183	222	261	327	366
COOSA	183	222	261	327	366
CULLMAN	223	271	319	399	447
DE KALB	210	255	300	375	421
GREENE	179	218	257	321	359
JACKSON	210	255	300	375	421
LAWRENCE	223	271	319	399	447
LIMESTONE	190	231	272	340	381
MARENGO	201	245	288	360	403
MONROE	201	245	288	360	403
PERRY	201	245	288	360	403
PIKE	174	211	249	311	349
SUMTER	201	245	288	360	403
TALLAPOOSA	183	222	261	327	366
WILCOX	201	245	288	360	403

STATE: ALASKA

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALEUTIAN I.	532	646	760	950	1064
BRISTOL BAY	532	646	760	950	1064
HAINES	532	646	760	950	1064
KENAI-PENIN	438	532	626	783	877
KOBUK	532	646	760	950	1064
MATANUSKA-SU	438	532	626	783	877
NORTH SLOPE	532	646	760	950	1064
SITKA	532	646	760	950	1064
SE FAIRBANKS	438	532	626	783	877
WADE HAMPTON	532	646	760	950	1064
YKN-KOYKK	532	646	760	950	1064

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BETHEL	532	646	760	950	1064
DILLINGHAM	532	646	760	950	1064
JUNEAU	532	646	760	950	1064
KETCH-GATEWY	532	646	760	950	1064
KODIAK ISLND	532	646	760	950	1064
NOME	532	646	760	950	1064
P.WLS-O.KTCH	532	646	760	950	1064
SKGWY-YKT-AN	532	646	760	950	1064
VALDEZ-CORDO	438	532	626	783	877
WRNGLL-PTRBR	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.

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) 032786
PART 1 - FINAL FMRS, NO INTENTS TO COMMENT

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
APACHE	239	290	342	427	478
COCONINO	303	368	433	541	606
GRAHAM	244	296	348	435	488
MOHAVE	308	374	440	550	616
PINAL	246	299	352	440	492
YAVAPAI	303	368	433	541	606
COCHISE	244	296	348	435	488
GILA	246	299	352	440	492
GREENLEE	244	296	348	435	488
NAUAJO	239	290	342	427	478
SANTA CRUZ	244	296	348	435	488
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
ASHLEY	185	224	264	330	370
BENTON	229	276	322	396	441
BRADLEY	185	224	264	330	370
CARROLL	220	268	315	394	441
CLARK	203	247	290	363	407
CLEBURNE	216	263	309	386	433
CONWAY	190	231	272	340	380
DALLAS	186	229	267	334	372
DREW	185	224	264	330	370
GARLAND	203	247	290	363	407
HEMPSTEAD	189	229	270	338	378
HOWARD	189	229	270	338	378
IZARD	216	263	309	386	433
JOHNSON	190	231	272	340	380
LAWRENCE	206	251	295	369	413
LINCOLN	185	224	264	330	370
MADISON	220	268	315	394	441
MISSISSIPPI	224	272	320	400	448
NEVADA	189	229	270	338	378
OUACHITA	186	226	265	332	372
PHILLIPS	195	238	281	347	388
POINSETT	206	251	295	369	413
RANDOLPH	206	251	295	369	413
SEARCY	220	268	315	394	441
SHARP	216	263	309	386	433
UNION	186	229	267	334	372
WHITE	216	263	309	386	433
YELL	190	231	272	340	380
BAXTER	220	268	315	394	441
BOONE	220	268	315	394	441
CALHOUN	186	229	267	334	372
CHICOT	185	224	264	330	370
CLAY	206	251	295	369	413
COLUMBIA	186	229	267	334	372
CROSS	195	238	281	347	388
DESHA	185	224	264	330	370
FULTON	216	263	309	386	433
GREENE	206	251	295	369	413
HOTSPRING	203	247	290	363	407
INDEPENDENCE	216	263	309	386	433
JACKSON	216	263	309	386	433
LAFAYETTE	189	229	270	338	378
LEE	195	238	281	347	388
LITTLE RIVER	189	229	270	338	378
MARION	220	268	315	394	441
MONTGOMERY	203	247	290	363	407
NEWTON	220	268	315	394	441
PERRY	190	231	272	340	380
PIKE	203	247	290	363	407
POPE	190	231	272	340	380
ST FRANCIS	195	238	281	347	388
SEVIER	189	229	270	338	378
STONE	216	263	309	386	433
VAN BUREN	216	263	309	386	433
WOODRUFF	216	263	309	386	433

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) 032786
PART 1 - FINAL FMRS, NO INTENTS TO COMMENT

S T A T E: CALIFORNIA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
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
MODESTO, CA MSA COUNTY(IES): STANISLAUS	318	386	455	569	637
REDDING, CA MSA COUNTY(IES): SHASTA	302	367	432	540	605
SALINAS-SEASIDE-MONTEREY, CA MSA COUNTY(IES): MONTEREY	362	440	517	647	725
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

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	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	MODOC	277	336	395	494	554
MONO	331	402	473	591	662	SAN LUIS OBI	375	455	536	670	750
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
COLORADO SPRINGS, CO MSA COUNTY(IES): EL PASO	272	330	389	486	544
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 COUNTY(IES): PUEBLO	270	327	385	482	540

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
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
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						

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.

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) 032786
PART 1 - FINAL FMRS, NO INTENTS TO COMMENT

S T A T E: CONNECTICUT	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
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 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					
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					

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
NEW LONDON COUNTY TOWNS OF LEBANON, LYME, VOLUNTOWN	270	328	386	483	541

S T A T E: FLORIDA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BRADENTON, FL MSA	317	385	454	567	635
COUNTY(IES): MANATEE					
DAYTONA BEACH, FL MSA	307	372	438	548	614
COUNTY(IES): VOLUSIA					
FORT MYERS-CAPE CORAL, FL MSA	326	396	466	583	653
COUNTY(IES): LEE					
FORT PIERCE, FL MSA	326	396	466	583	653
COUNTY(IES): MARTIN, ST LUCIE					
GAINESVILLE, FL MSA	276	336	395	494	553
COUNTY(IES): ALACHUA, BRADFORD					
JACKSONVILLE, FL MSA	289	351	413	517	579
COUNTY(IES): CLAY, DUVAL, NASSAU, ST JOHNS					
MELBOURNE-TITUSVILLE-PALM BAY, FL MSA	299	358	421	527	590
COUNTY(IES): BREVARD					
MIAMI-HIALEAH, FL PMSA	372	445	520	655	730
COUNTY(IES): DADE					
NAPLES, FL MSA	335	406	478	598	670
COUNTY(IES): COLLIER					
PANAMA CITY, FL MSA	232	282	332	415	464
COUNTY(IES): BAY					
SARASOTA, FL MSA	343	417	491	613	687
COUNTY(IES): SARASOTA					
TALLAHASSEE, FL MSA	272	330	389	486	544
COUNTY(IES): GADSDEN, LEON					

NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
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
FLAGLER	243	295	347	434	486	GILCHRIST	194	236	278	347	389
GLADES	315	383	451	563	631	HARDEE	227	275	324	405	454
HENDRY	315	383	451	563	631	HIGHLANDS	227	275	324	405	454
HOLMES	178	216	254	318	356	INDIAN RIVER	326	396	466	583	653
LAKE	254	308	362	453	508	LEVY	241	294	344	430	482
OKEECHOBEE	227	275	324	405	454	PUTNAM	243	295	347	434	486
SUMTER	241	292	344	430	482	WASHINGTON	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) 032786
PART 1 - FINAL FMRS, NO INTENTS TO COMMENT

S T A T E: GEORGIA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALBANY, GA MSA COUNTY(IES): DOUGHERTY, LEE	241	292	344	430	482
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
SAVANNAH, GA MSA COUNTY(IES): CHATHAM, EFFINGHAM	254	308	363	454	508

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
APPLING	208	253	298	372	417	BAKER	203	247	287	359	402
BARTON	211	257	302	378	423	BEN HILL	206	250	294	368	412
BERRIEN	206	250	294	368	412	BLECKLEY	203	247	287	359	397
BROOKS	206	250	294	368	412	BRYAN	240	279	329	411	460
BULLOCH	208	253	298	372	417	CALHOUN	203	247	287	359	402
CAMDEN	230	279	329	411	460	CANDLER	208	253	298	372	417
CHARLTON	203	246	287	354	391	CHATTOOGA	211	257	302	378	423
CLAY	203	247	287	359	402	CLINCH	195	237	279	349	391
COOK	206	250	294	368	412	DAWSON	190	234	272	338	375
DECATUR	203	247	287	359	402	DODGE	203	247	287	359	397
DOOLY	203	247	287	359	402	EARLY	203	247	287	359	402
ECHOLS	206	250	294	368	412	EVANS	208	253	298	372	417
FANNIN	226	274	322	403	452	GILMER	226	274	322	403	452
GORDON	211	257	302	378	423	GRADY	203	247	287	359	402
HANCOCK	203	247	287	359	397	HARALSON	211	257	302	378	423
HARRIS	205	250	290	360	402	HEARD	223	271	319	399	447
IRWIN	206	250	294	368	412	JASPER	203	247	287	359	397
JEFF DAVIS	208	253	298	372	417	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	MARION	205	250	290	360	402
MERIWETHER	223	271	319	399	447	MILLER	203	247	287	359	402
MITCHELL	203	247	287	359	402	MONTGOMERY	205	251	294	362	402
MURRAY	226	274	322	403	452	PICKENS	226	274	322	403	452
POLK	211	259	302	378	423	PULASKI	203	247	287	359	397
PUTNAM	203	247	287	359	397	RABUN	190	234	272	338	375
RANDOLPH	203	247	287	359	402	SCHLEY	205	250	290	360	402
SCREVEN	205	251	294	362	402	SEMINOLE	203	247	287	359	402
STEWART	205	250	290	360	402	TATTNALL	208	253	298	372	417
TAYLOR	203	247	287	359	402	TELFAIR	203	247	287	359	397
TERRELL	203	247	287	359	402	TOOMBS	208	253	298	372	417
TOWNS	190	234	272	338	375	TREUTLEN	203	247	287	359	397
TROUP	228	275	323	402	448	TURNER	206	250	294	368	412
UNION	190	234	272	338	375	WASHINGTON	203	247	287	359	397
WAYNE	208	253	298	372	417	WEBSTER	205	250	290	360	402
WHEELER	203	247	287	359	397	WHITE	190	234	272	338	375
WHITFIELD	226	274	322	403	452	WILCOX	203	247	287	359	397
WILKINSON	203	247	287	359	397	WORTH	203	247	287	359	402

S T A T E: 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		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
HAWAII	380	461	542	678	760	KAUAI	380	461	542	678	760
MAUI	380	461	542	678	760						

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) 032786
PART 1 - FINAL FMRS, NO INTENTS TO COMMENT

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
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
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
POWER	258	314	366	458	513
TETON	276	335	395	493	553
VALLEY	247	300	353	441	494

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
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
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
SHOSHONE	256	311	366	458	513
TWIN FALLS	262	318	375	468	525

STATE: ILLINOIS

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
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
DAVENPORT-ROCK ISLAND-MOLINE, IA-IL MSA					
COUNTY(IES): HENRY, ROCK ISLAND	299	363	427	534	598
DECATUR, IL MSA					
COUNTY(IES): MACON	272	330	389	486	544
KANKAKEE, IL MSA					
COUNTY(IES): KANKAKEE	269	326	384	480	538
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
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
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

	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
JASPER	220	267	314	393	440
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

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) 032786
PART 1 - FINAL FMRS, NO INTENTS TO COMMENT
STATE: ILLINOIS

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
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
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	413	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
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 COUNTY(IES): HOWARD, TIPTON	259	315	370	463	519
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
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
ADAMS	231	279	326	407	456
BENTON	221	269	317	396	443
BROWN	261	317	373	467	523
CASS	214	260	306	383	429
DAVIESS	215	261	308	385	431
DUBOIS	191	232	273	342	383
FOUNTAIN	221	269	317	396	443
GIBSON	248	301	354	443	496
GREENE	215	261	308	385	431
HUNTINGTON	228	277	326	407	456
JASPER	231	280	330	413	462
JEFFERSON	248	301	354	443	496
KNOX	221	265	308	385	431
LAGRANGE	237	287	338	422	473
MARSHALL	231	280	330	413	462
MIAMI	214	260	306	383	429
NEWTON	231	280	330	413	462
OHIO	248	301	354	443	496
OWEN	253	307	361	452	506
PERRY	191	232	273	342	383
PULASKI	231	280	330	413	462
RIPLEY	248	301	354	443	496
SPENCER	191	232	273	342	383
STEUBEN	236	287	338	422	473
SWITZERLAND	248	301	354	443	496
VERMILLION	229	277	324	403	446
WARREN	221	269	317	396	443
WAYNE	226	272	319	396	443
WHITE	221	269	317	396	443
BARTHOLOMEW	261	317	373	467	523
BLACKFORD	209	254	299	373	418
CARROLL	221	269	317	396	443
CRAWFORD	191	232	273	342	383
DECATUR	261	317	373	467	523
FAYETTE	225	271	317	396	443
FRANKLIN	225	271	317	396	443
GRANT	209	254	299	373	418
HENRY	209	254	299	373	418
JACKSON	261	317	373	467	523
JAY	209	254	299	373	418
JENNINGS	261	317	373	467	523
KOSCIUSKO	237	286	337	415	462
LA PORTE	251	305	358	448	502
MARTIN	215	261	308	385	431
MONTGOMERY	221	269	317	396	443
NOBLE	236	287	338	422	473
ORANGE	191	232	273	342	383
PARKE	221	269	317	396	443
PIKE	248	301	354	443	496
RANDOLPH	209	254	299	373	418
RUSH	221	269	317	396	443
STARKE	231	280	330	413	462
SULLIVAN	221	269	317	396	443
UNION	225	271	317	396	443
WABASH	214	260	306	383	429
WASHINGTON	256	311	366	458	513
WELLS	233	280	327	409	456

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) 032786

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) 032786
PART I - FINAL FMRS, NO INTENTS TO COMMENT

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	AUDUBON	234	285	335	419	469
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
CLAY	229	278	327	409	459	CLAYTON	233	283	333	417	467
CLINTON	260	316	372	465	521	CRAWFORD	234	285	335	419	469
DECATUR	221	268	316	395	442	DELAWARE	260	316	372	465	521
DES MOINES	245	297	350	437	490	DICKINSON	229	278	327	409	459
EMMET	229	278	327	409	459	FAYETTE	233	283	333	417	467
FLOYD	231	281	330	413	463	FRANKLIN	231	281	330	413	463
FREMONT	240	291	342	428	480	GREENE	234	285	335	419	469
GRUNDY	233	283	333	417	467	GUTHRIE	234	285	335	419	469
HAMILTON	234	285	335	419	469	HANCOCK	231	281	330	413	463
HARDIN	243	295	347	434	486	HARRISON	240	291	342	428	480
HENRY	245	297	350	437	490	HOWARD	233	283	333	417	467
HUMBOLDT	234	285	335	419	469	IDA	234	285	335	419	469
JACKSON	260	316	372	465	521	JASPER	247	300	353	441	494
KOSSUTH	231	281	330	413	463	LEE	245	297	350	437	490
LOUISA	245	297	350	437	490	LYON	229	278	327	409	459
MADISON	247	300	353	441	494	MAHASKA	221	268	316	395	442
MARION	247	300	353	441	494	MARSHALL	243	295	347	434	486
MILLS	240	291	342	428	480	MITCHELL	231	281	330	413	463
MONONA	234	285	335	419	469	MONROE	221	268	316	395	442
MONTGOMERY	240	291	342	428	480	MUSCATINE	245	297	350	437	490
O BRIEN	229	278	327	409	459	OSCEOLA	229	278	327	409	459
PAGE	240	291	342	428	480	PALO ALTO	229	278	327	409	459
PLYMOUTH	234	285	335	419	469	POCAHONTAS	234	285	335	419	469
POWESHIEK	243	295	347	434	486	RINGGOLD	221	268	316	395	442
SAC	234	285	335	419	469	SHELBY	240	291	342	428	480
SIOUX	229	278	327	409	459	STORY	266	323	380	475	532
TAMA	243	295	347	434	486	TAYLOR	221	268	316	395	442
UNION	221	268	316	395	442	WEBSTER	234	285	335	419	469
WINNEBAGO	231	281	330	413	463	WINNESHIEK	233	283	333	417	467
WORTH	231	281	330	413	463	WRIGHT	234	285	335	419	469

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) 032786
PART 1 - FINAL FMRS, NO INTENTS TO COMMENT

S T A T E: 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		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALLEN	185	224	264	330	370	ANDERSON	185	224	264	330	370
ATCHISON	213	258	304	380	426	BARBER	214	260	306	382	428
BARTON	214	260	306	382	428	BOURBON	185	224	264	330	370
BROWN	213	258	304	380	426	CHASE	233	284	334	417	467
CHAUTAUQUA	185	224	264	330	370	CHEROKEE	196	238	280	350	393
CHEYENNE	187	227	267	334	374	CLARK	220	267	314	393	440
CLAY	233	284	334	417	467	CLOUD	231	281	331	414	463
COFFEY	233	284	334	417	467	COMANCHE	214	260	306	382	428
COWLEY	185	224	264	330	370	CRAWFORD	196	238	280	350	393
DECATUR	187	227	267	334	374	DICKINSON	233	284	334	417	467
DONIPHAN	213	258	304	380	426	EDWARDS	214	260	306	382	428
ELK	185	224	264	330	370	ELLIS	187	227	267	334	374
ELLSWORTH	231	281	331	414	463	FINNEY	220	267	314	393	440
FORD	220	267	314	393	440	GEARY	233	284	334	417	467
GOVE	187	227	267	334	374	GRAHAM	187	227	267	334	374
GRANT	220	267	314	393	440	GRAY	220	267	314	393	440
GREELEY	220	267	314	393	440	GREENWOOD	233	284	334	417	467
HAMILTON	220	267	314	393	440	HARPER	214	260	306	382	428
HARVEY	246	299	352	440	492	HASKELL	220	267	314	393	440
HODGEMAN	220	267	314	393	440	JACKSON	213	258	304	380	426
JEWELL	231	281	331	414	463	KEARNY	220	267	314	393	440
KINGMAN	214	260	306	382	428	KIOWA	214	260	306	382	428
LABETTE	196	238	280	350	393	LANE	220	267	314	393	440
LINCOLN	231	281	331	414	463	LINN	185	224	264	330	370
LOGAN	187	227	267	334	374	LYON	233	284	334	417	467
MCPHERSON	246	299	352	440	492	MARION	233	284	334	417	467
MARSHALL	233	284	334	417	467	MEADE	220	267	314	393	440
MITCHELL	231	281	331	414	463	MONTGOMERY	196	238	280	350	393
MORRIS	233	284	334	417	467	MORTON	220	267	314	393	440
NEMAHA	213	258	304	380	426	NEOSHO	196	238	280	350	393
NESS	220	267	314	393	440	NORTON	187	227	267	334	374
OSBORNE	187	227	267	334	374	OTTAWA	231	281	331	414	463
PAWNEE	214	260	306	382	428	PHILLIPS	187	227	267	334	374
POTTAWATOMIE	233	284	334	417	467	PRATT	214	260	306	382	428
RAWLINS	187	227	267	334	374	RENO	246	299	352	440	492
REPUBLIC	231	281	331	414	463	RICE	246	299	352	440	492
RILEY	233	284	334	417	467	ROOKS	187	227	267	334	374
RUSH	214	260	306	382	428	RUSSELL	187	227	267	334	374
SALINE	231	281	331	414	463	SCOTT	220	267	314	393	440
SEWARD	220	267	314	393	440	SHERIDAN	187	227	267	334	374
SHERMAN	187	227	267	334	374	SMITH	187	227	267	334	374
STAFFORD	214	260	306	382	428	STANTON	220	267	314	393	440
STEVENS	220	267	314	393	440	SUMNER	214	260	306	382	428
THOMAS	187	227	267	334	374	TREGO	187	227	267	334	374
WABAUNSEE	233	284	334	417	467	WALLACE	187	227	267	334	374
WASHINGTON	231	281	331	414	463	WICHITA	220	267	314	393	440
WILSON	185	224	264	330	370	WOODSON	185	224	264	330	370

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.

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) 032786
PART 1 - FINAL FMRS, NO INTENTS TO COMMENT

STATE: KENTUCKY

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
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	473	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		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAIR	206	251	293	361	404	ALLEN	174	211	248	310	348
ANDERSON	257	313	368	460	515	BALLARD	211	256	301	376	422
BARREN	174	211	248	310	348	BATH	206	250	295	369	413
BELL	224	272	320	400	448	BOYLE	250	303	357	446	500
BRACKEN	206	250	295	369	413	BREATHITT	212	257	303	378	424
BRECKINRIDGE	203	247	290	363	406	BUTLER	174	211	248	310	348
CALDWELL	221	269	317	396	443	CALLOWAY	211	256	301	376	422
CARLISLE	211	256	301	376	422	CASEY	202	245	289	361	404
CLAY	190	231	271	339	380	CLINTON	206	251	293	361	404
CRITTENDON	221	269	317	396	443	CUMBERLAND	206	251	293	361	404
EDMONSON	174	211	248	310	348	ESTILL	250	303	357	446	500
FLEMING	206	250	295	369	413	FLOYD	225	273	321	402	450
FRANKLIN	257	313	368	460	515	FULTON	211	256	301	376	422
GARRARD	250	303	357	446	500	GRAVES	211	256	301	376	422
GRAYSON	203	247	290	363	406	GREEN	206	251	293	361	404
HARDIN	230	280	329	411	461	HARLAN	224	272	320	400	448
HART	174	211	248	310	348	HICKMAN	211	256	301	376	422
HOPKINS	221	269	317	396	443	JACKSON	190	231	271	339	380
JOHNSON	225	273	321	402	450	KNOTT	212	257	303	378	424
LARUE	203	247	290	363	406	LAUREL	190	231	271	339	380
LEE	212	257	303	378	424	LESLIE	212	257	303	378	424
LETCHER	212	257	303	378	424	LEWIS	206	250	295	369	413
LINCOLN	250	303	357	446	500	LOGAN	222	270	318	398	445
MCCRACKEN	221	269	305	376	422	MCCREARY	206	251	293	361	404
MADISON	250	303	360	446	500	MAGOFFIN	225	273	321	402	450
MARION	203	247	290	363	406	MARSHALL	221	259	305	376	422
MARTIN	225	273	321	402	450	MASON	206	250	295	369	413
MEADE	230	280	329	411	461	MENIFEE	206	251	295	369	413
MERCER	257	313	368	460	515	METCALFE	174	211	248	310	348
MONROE	174	211	248	310	348	MONTGOMERY	206	250	295	369	413
MORGAN	206	251	295	369	413	MUHLENBERG	221	269	317	396	443
NELSON	203	247	290	363	406	OWSLEY	212	257	303	378	424
PERRY	212	257	303	378	424	PIKE	225	273	321	402	450
PULASKI	206	251	293	361	404	ROBERTSON	206	250	295	369	413
ROCKCASTLE	190	231	271	339	380	ROWAN	206	250	295	369	413
RUSSELL	202	245	289	361	404	SIMPSON	222	270	318	398	445
TAYLOR	206	251	293	361	404	WARREN	222	270	318	398	445
WASHINGTON	203	247	290	363	406	WAYNE	206	251	293	361	404
WHITLEY	224	272	320	400	448	WOLFE	212	257	303	378	424

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) 032786
PART 1 - FINAL FMRS, NO INTENTS TO COMMENT

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	400	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
BIENVILLE	209	254	299	373	418
CLAIBORNE	209	254	299	373	418
DE SOTO	209	254	299	373	418
IBERIA	239	291	342	428	479
LINCOLN	209	254	299	373	418
RED RIVER	209	254	299	373	418
ST MARY	239	291	342	428	479
WINN	200	243	286	358	401
AVOYELLES	200	243	286	358	401
CATAHOULA	200	243	286	358	401
CONCORDIA	200	243	286	358	401
GRANT	200	243	286	358	401
LA SALLE	200	243	286	358	401
NATCHITOCHES	209	254	299	373	418
SABINE	209	254	299	373	418
VERMILION	203	247	289	362	405

STATE: MARYLAND

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DORCHESTER	265	322	379	474	531
WORCESTER	267	326	379	474	531
SOMERSET	265	322	379	474	531

S T A T E: MICHIGAN

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BENTON HARBOR, MI MSA					
COUNTY(IES): BERRIEN	271	329	387	484	542
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
ALCONA	213	259	305	382	427
ANTRIM	266	323	380	475	532
BARAGA	218	264	311	389	436
BENZIE	266	323	380	475	532
CASS	242	293	345	432	484
CHEBOYGAN	213	259	305	382	427
GRATIOT	267	324	381	477	534
ISABELLA	267	324	381	477	534
KEWEENAW	218	264	311	389	436
LEELANAU	266	323	380	475	532
MANISTEE	266	323	380	475	532
MASON	245	297	350	437	490
MENOMINEE	266	323	380	475	532
MONTCALM	247	300	353	441	494
NEWAYGO	245	297	350	437	490
OGEMAW	234	285	335	419	469
OSCODA	213	259	305	382	427
ST JOSEPH	249	302	356	445	498
SCHOOLCRAFT	210	255	301	376	421
VAN BUREN	242	293	345	432	484
ALLEGAN	247	300	353	441	494
ARENAC	234	285	335	419	469
BARRY	249	302	356	445	498
BRANCH	249	302	356	445	498
CHARLEVOIX	266	323	380	475	532
EMMET	266	323	380	475	532
HURON	240	291	342	428	480
KALKASKA	266	323	380	475	532
LAKE	245	297	350	437	490
LENAWEE	265	321	378	473	530
MARQUETTE	266	323	380	475	532
MECOSTA	245	297	350	437	490
MISSAUKEE	266	323	380	475	532
MONTMORENCY	213	259	305	382	427
OCEANA	237	288	339	424	475
OSCEOLA	245	297	350	437	490
PRESQUE ISLE	213	259	305	382	427
SANILAC	240	291	342	428	480
TUSCOLA	240	291	342	428	480
WEXFORD	266	323	380	475	532

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) 032786
PART 1 - FINAL FMRS, NO INTENTS TO COMMENT

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
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
AITKIN	245	298	351	439	491
BELTRAMI	235	286	336	420	471
BROWN	232	282	332	415	464
CASS	230	279	329	411	460
CLEARWATER	235	286	336	420	471
COTTONWOOD	218	265	312	391	437
FILLMORE	226	274	323	404	452
GRANT	244	297	349	437	489
HUBBARD	235	286	336	420	471
JACKSON	225	271	317	394	438
KANDIYOHI	257	312	367	459	514
KOOCHICHING	245	298	351	439	491
LAKE	245	298	351	439	491
LE SUEUR	255	310	364	455	510
LYON	225	271	317	394	438
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
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
WADENA	230	279	329	411	460
WATONWAN	232	282	332	415	464
WINONA	227	274	323	404	452
BECKER	244	297	349	437	489
BIG STONE	218	265	312	391	437
CARLTON	247	300	351	439	491
CHIPPEWA	218	265	312	391	437
COOK	245	298	351	439	491
DOUGLAS	244	297	349	437	489
FREEBORN	266	323	381	476	533
HOUSTON	226	274	323	404	452
ITASCA	247	300	351	439	491
KANABEC	245	298	351	439	491
KITTSON	235	286	336	420	471
LAC QUI PARL	218	265	312	391	437
LAKE OF WOOD	235	286	336	420	471
LINCOLN	225	271	317	394	438
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
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
WASECA	232	282	332	415	464
WILKIN	244	297	349	437	489
YELLOW MEDIC	218	265	312	391	437

S T A T E: MISSISSIPPI

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
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

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
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
FORREST	223	271	319	398	446
GRENADA	172	209	245	307	344
HUMPHREYS	198	240	283	354	396
ITAWAMBA	211	256	302	377	422
JEFFERSON	171	207	244	305	342
KEMPER	223	270	316	395	442
LAMAR	223	271	319	398	446
LAWRENCE	171	207	244	305	342
LINCOLN	171	207	244	305	342
MARSHALL	192	234	275	344	385
MONTGOMERY	172	209	245	307	344
NEWTON	190	231	272	340	381
PANOLA	207	251	295	369	414
PRENTISS	192	234	275	344	385
SCOTT	190	231	272	340	381
SMITH	190	231	272	340	381
TALLAHATCHIE	207	251	295	369	414
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
FRANKLIN	171	207	244	305	342
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
LAFAYETTE	225	273	322	402	451
LAUDERDALE	221	268	316	395	442
LEAKE	190	231	272	340	381
MARION	223	271	319	398	446
MONROE	211	256	302	377	422
NESHOBA	190	231	272	340	381
NOXUBEE	212	258	303	379	425
PONTOTOC	232	273	322	405	451
QUITMAN	207	251	295	369	414
SHARKEY	198	240	283	354	396
SUNFLOWER	198	240	283	354	396
TATE	207	251	295	369	414

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) 032786
PART 1 - FINAL FMRS, NO INTENTS TO COMMENT
STATE: MISSISSIPPI

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
TIPPAH	192	234	275	344	385
TUNICA	207	251	295	369	414
WALTHALL	171	207	244	305	342
WASHINGTON	198	240	283	354	396
WILKINSON	171	207	244	305	342
YALOBUSHA	172	209	245	307	344
TISHOMIGO	192	234	275	344	385
UNION	232	273	322	405	451
WARREN	251	305	359	449	503
WEBSTER	222	258	303	379	425
WINSTON	222	258	303	379	425
YAZOO	251	305	359	449	503

STATE: 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
SPRINGFIELD, MO MSA COUNTY(IES): CHRISTIAN, GREENE	229	279	328	410	459

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANDREW	219	266	313	391	438
AUDRAIN	232	281	331	414	464
BARTON	188	228	268	335	376
BENTON	188	228	268	335	376
BUTLER	182	222	264	329	368
CALLAWAY	232	281	331	414	464
CAPE GIRARDE	221	269	316	395	443
CARTER	182	222	264	329	368
CHARITON	203	247	291	363	407
COLE	232	281	331	414	464
CRAWFORD	202	246	289	362	405
DALLAS	193	234	276	345	386
DE KALB	198	241	283	354	397
DOUGLAS	182	222	261	326	365
GASCONADE	202	246	289	362	405
GRUNDY	209	253	298	373	418
HENRY	188	228	268	335	376
HOLT	198	241	283	354	397
HOWELL	182	222	261	326	365
LACLEDE	211	256	301	376	422
LEWIS	207	250	295	368	408
LIVINGSTON	209	253	298	373	418
MADISON	221	269	316	395	443
MARION	207	250	295	368	408
MILLER	211	256	301	376	422
MONITEAU	232	281	331	414	464
NEW MADRID	182	222	261	326	365
OREGON	182	222	261	326	365
OZARK	182	222	261	326	365
PERRY	221	269	316	395	443
PIKE	202	246	289	362	405
PULASKI	211	256	301	376	422
RALLS	207	250	295	368	408
RIPLEY	182	222	264	329	368
STE GENEVIEV	221	269	316	395	443
SALINE	203	247	291	363	407
STODDARD	182	222	261	326	365
SULLIVAN	209	253	298	373	418
VERNON	188	228	268	335	376
WAYNE	182	222	264	329	368
WORTH	198	241	283	354	397
ATCHISON	198	241	283	354	397
BARRY	193	234	276	345	386
BATES	188	228	268	335	376
BOLLINGER	221	269	316	395	443
CALDWELL	198	241	284	354	397
CAMDEN	211	256	301	376	422
CARROLL	203	247	291	363	407
CEDAR	188	228	268	335	376
CLINTON	198	241	283	354	397
COOPER	232	281	331	414	464
DADE	193	234	276	345	386
DAVIESS	198	241	284	354	397
DENT	202	246	289	362	405
DUNKLIN	182	222	261	326	365
GENTRY	198	241	283	354	397
HARRISON	198	241	284	354	397
HICKORY	188	228	268	335	376
HOWARD	232	281	331	414	464
IRON	221	269	316	395	443
LAWRENCE	193	234	276	345	386
LINN	209	253	298	373	418
MCDONALD	193	234	276	345	386
MARIES	202	246	289	362	405
MERCER	198	241	284	354	397
MISSISSIPPI	182	222	261	326	365
MORGAN	211	256	301	376	422
NODAWAY	205	241	291	354	397
OSAGE	232	281	331	414	464
PEMISCOT	182	222	261	326	365
PETTIS	203	247	291	363	407
POLK	193	234	276	345	386
PUTNAM	209	253	298	373	418
REYNOLDS	182	222	261	326	365
ST CLAIR	188	228	268	335	376
ST FRANCOIS	221	269	316	395	443
SHANNON	182	222	261	326	365
STONE	193	234	276	345	386
TANEY	193	234	276	345	386
WASHINGTON	202	246	289	362	405
WEBSTER	193	234	276	345	386
WRIGHT	182	222	261	326	365

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

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) 032786
PART 1 - FINAL FMRS, NO INTENTS TO COMMENT

STATE: 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
BEAVERHEAD	262	319	375	469	525
BLAINE	245	297	350	437	490
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
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

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BIG HORN	247	300	353	442	495
BROADWATER	262	319	375	469	525
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
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

STATE: 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
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
DUNDY	204	248	291	364	408
FRANKLIN	241	293	345	431	483
FURNAS	204	248	291	364	408
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

	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
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
FILLMORE	213	259	305	381	427
FRONTIER	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

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) 032786
PART 1 - FINAL FMRS, NO INTENTS TO COMMENT

STATE: NEBRASKA

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
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
SHERIDAN	198	240	282	353	396
SIOUX	198	240	282	353	396
THAYER	213	259	305	381	427
THURSTON	216	263	309	387	433
WAYNE	234	284	335	418	469
WHEELER	198	240	282	353	396

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
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
SEWARD	213	259	305	381	427
SHERMAN	198	240	282	353	396
STANTON	234	284	335	418	469
THOMAS	204	248	291	364	408
VALLEY	198	240	282	353	396
WEBSTER	241	293	345	431	483
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
CHURCHILL	322	388	456	570	639
ELKO	322	388	456	570	639
EUREKA	319	388	456	570	639
LANDER	322	388	456	570	639
LYON	322	388	456	570	639
NYE	319	388	456	570	639
STOREY	322	388	456	570	639
CARSON CITY	322	388	456	570	639

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DOUGLAS	322	388	456	570	639
ESMERALDA	319	388	456	570	639
HUMBOLDT	322	388	456	570	639
LINCOLN	319	388	456	570	639
MINERAL	322	388	456	570	639
PERSHING	322	388	456	570	639
WHITE PINE	319	388	456	570	639

STATE: NEW JERSEY

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
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
TRENTON, NJ PMSA COUNTY(IES): MERCER	388	471	554	693	776
VINELAND-MILLVILLE-BRIDGETON, NJ PMSA COUNTY(IES): CUMBERLAND	311	378	445	556	623

STATE: NEW MEXICO

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALBUQUERQUE, NM MSA COUNTY(IES): BERNALILLO	308	374	440	550	616
LAS CRUCES, NM MSA COUNTY(IES): DONA ANA	244	297	349	437	489
SANTA FE, NM MSA COUNTY(IES): LOS ALAMOS, SANTE FE	358	435	512	640	717

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CATRON	221	268	316	395	442
COLFAX	228	277	326	407	456
DE BACA	228	277	326	407	456
GRANT	221	268	316	395	442
HARDING	228	277	326	407	456
LEA	264	321	378	472	529
LUNA	221	268	316	395	442
MORA	228	277	326	407	456
QUAY	228	277	326	407	456
SAN JUAN	306	372	438	548	613
SIERRA	240	291	343	428	480
TORRANCE	228	277	326	407	456
VALENCIA	221	268	316	395	442

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHAVES	240	291	343	428	480
CURRY	228	277	326	407	456
EDDY	264	321	378	472	529
GUADALUPE	228	277	326	407	456
HIDALGO	221	268	316	395	442
LINCOLN	240	291	343	428	480
MCKINLEY	306	372	438	548	613
OTERO	240	291	343	428	480
ROOSEVELT	228	277	326	407	456
SAN MIGUEL	228	277	326	407	456
SOCORRO	240	291	343	428	480
UNION	228	277	326	407	456

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) 032786

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) 032786
PART 1 - FINAL FMRS, NO INTENTS TO COMMENT

STATE: NEW YORK

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
UTICA-ROME, NY MSA					
COUNTY(IES): HERKIMER, ONEIDA	226	275	324	405	453

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CORTLAND	266	323	380	475	532
FULTON	211	257	302	378	423
DELAWARE	238	290	341	426	477
SCHOHARIE	238	290	341	426	477

STATE: 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
HICKORY, NC MSA					
COUNTY(IES): ALEXANDER, BURKE, CATAWBA	222	269	317	396	444
JACKSONVILLE, NC MSA					
COUNTY(IES): ONSLOW	230	280	329	412	461
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
CAMDEN	235	281	327	407	453
CASWELL	220	267	314	393	440
CLEVELAND	219	264	309	386	424
CRAVEN	228	277	326	408	457
EDGECOMBE	228	277	326	408	457
GREENE	212	257	303	379	424
HARNETT	212	257	303	379	424
HERTFORD	242	295	347	433	485
IREDELL	220	267	314	389	435
LENOIR	196	238	280	350	392
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
PITT	242	295	347	433	485
RICHMOND	221	265	309	387	433
RUTHERFORD	219	264	309	386	424
STANLY	217	264	311	389	435
TYRRELL	235	281	327	407	453
WASHINGTON	235	281	327	407	453
WAYNE	212	257	303	379	424
WILSON	234	284	334	418	468
ANSON	221	265	309	387	433
AVERY	219	264	309	386	424
BERTIE	242	295	347	433	485
CARTERET	228	277	326	408	457
CHOWAN	235	281	327	407	453
COLUMBUS	201	244	287	359	403
DARE	235	281	327	407	453
GATES	235	281	327	407	453
HALIFAX	228	277	326	408	457
HENDERSON	239	291	342	428	479
HYDE	235	281	327	407	453
JONES	228	277	326	408	457
MCDOWELL	219	264	309	386	424
MARTIN	242	295	347	433	485
MONTGOMERY	221	265	309	387	433
NASH	234	284	334	418	468
PAMLICO	228	277	326	408	457
PERQUIMANS	235	281	327	407	453
POLK	219	264	309	386	424
ROCKINGHAM	220	267	314	393	440
SCOTLAND	196	238	281	350	392
TRANSYLVANIA	239	291	342	428	479
VANCE	210	255	300	375	420
WATAUGA	219	264	309	386	424
WILKES	219	264	309	386	424
YANCEY	219	264	309	386	424

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) 032786
PART 1 - FINAL FMRS, NO INTENTS TO COMMENT

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
FOSTER	237	288	338	423	474	GOLDEN VALLY	231	281	331	414	463
GRIGGS	237	288	338	423	474	HETTINGER	231	281	331	414	463
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	MOUNTRAIL	231	281	331	414	463
NELSON	237	288	338	423	474	PEMBINA	237	288	338	423	474
PIERCE	231	281	331	414	463	RAMSEY	237	288	338	423	474
RENVILLE	231	281	331	414	463	ROLETTE	237	288	338	423	474
SLOPE	231	281	331	414	463	STUTSMAN	237	288	338	423	474
TOWNER	237	288	338	423	474	WALSH	237	288	338	423	474
WELLS	237	288	338	423	474						

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					
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					
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					
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	441	497
ASHTABULA	265	322	379	474	531	BROWN	225	271	317	395	443
CHAMPAIGN	240	291	343	429	480	CLINTON	229	279	328	410	459
COLUMBIANA	235	285	336	420	470	CRAWFORD	228	277	327	408	457
DARKE	229	279	328	410	459	DEFIANCE	256	310	365	457	512
ERIE	259	314	370	462	518	FAYETTE	229	279	328	410	459
GALLIA	247	300	353	442	495	GUERNSEY	242	294	346	433	485
HANCOCK	243	295	347	434	487	HARDIN	243	295	347	434	487
HARRISON	228	277	327	408	457	HENRY	256	310	365	457	512
HIGHLAND	225	271	317	395	443	HOCKING	218	265	312	390	436
HOLMES	241	293	344	431	482	HURON	228	277	327	408	457
JACKSON	221	269	316	395	443	KNOX	221	269	316	395	443
LOGAN	243	295	347	434	487	MARION	221	269	316	395	443
MEIGS	218	265	312	390	436	MERCER	229	279	328	410	459
MONROE	245	298	350	438	491	MORGAN	245	298	350	438	491
MORROW	221	269	316	395	443	NOBLE	245	298	350	438	491
OTTAWA	259	314	370	462	518	PAULDING	256	310	365	457	512
PERRY	218	265	312	390	436	PIKE	221	269	316	395	443
PREBLE	249	303	356	446	499	PUTNAM	247	300	353	442	495
ROSS	229	279	328	410	459	SANDUSKY	259	314	370	462	518
SCIOTO	221	269	316	395	443	SENECA	228	277	327	408	457
SHELBY	229	279	328	410	459	TUSCARAWAS	241	293	344	431	482

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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) 032786
PART 1 - FINAL FMRS, NO INTENTS TO COMMENT

STATE: OHIO

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
VAN WERT	247	300	353	442	495
WAYNE	248	302	355	444	497
WYANDOT	228	277	327	408	457
VINTON	247	300	353	442	495
WILLIAMS	256	310	365	457	512

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
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
BEAVER	211	257	302	377	423
BLAINE	211	257	302	377	423
CADDO	195	237	279	348	390
CHEROKEE	186	227	266	332	369
COTTON	195	237	279	348	390
CUSTER	206	250	294	368	412
DEWEY	211	257	302	377	423
GARVIN	196	238	280	350	392
GREER	206	250	294	368	412
HARPER	211	257	302	377	423
JACKSON	206	250	294	368	412
JOHNSTON	196	238	280	350	392
KINGFISHER	244	296	348	436	488
LINCOLN	233	283	333	416	466
MCINTOSH	189	230	271	339	379
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
PONTOTOC	196	238	280	350	392
SEMINOLE	194	236	279	344	382
TILLMAN	195	237	279	348	390
WASHITA	206	250	294	368	412
WOODWARD	211	257	302	377	423
ALFALFA	211	257	302	377	423
BECKHAM	206	250	294	368	412
BRYAN	196	238	280	350	392
CARTER	196	238	280	350	392
CIMARRON	211	257	302	377	423
CRAIG	236	287	338	422	473
DELAWARE	184	224	263	329	369
ELLIS	211	257	302	377	423
GRANT	244	296	348	436	488
HARMON	206	250	294	368	412
HUGHES	189	230	271	339	379
JEFFERSON	195	237	279	348	390
KAY	244	296	348	436	488
KIOWA	206	250	294	368	412
LOVE	196	238	280	350	392
MAJOR	211	257	302	377	423
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
ROGER MILLS	206	250	294	368	412
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) 032786
PART 1 - FINAL FMRS, NO INTENTS TO COMMENT

STATE: OREGON	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
EUGENE-SPRINGFIELD, OR MSA COUNTY(IES): LANE	321	390	459	574	642
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
CROOK	309	376	442	553	619	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

STATE: PENNSYLVANIA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
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
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
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
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	POTTER	228	277	325	407	456
SNYDER	225	274	322	403	451	SULLIVAN	224	273	321	401	449
VENANGO	222	270	318	397	445	WARREN	230	279	329	411	460
WAYNE	250	304	358	448	501						

STATE: SOUTH CAROLINA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANDERSON, SC MSA COUNTY(IES): ANDERSON	220	267	314	393	440
AUGUSTA, GA-SC MSA COUNTY(IES): AIKEN	254	305	357	446	499
CHARLESTON, SC MSA COUNTY(IES): BERKELEY, CHARLESTON, DORCHESTER	272	331	389	486	545
CHARLOTTE-GASTONIA-ROCK HILL, NC-SC MSA COUNTY(IES): YORK	270	326	381	476	533
COLUMBIA, SC MSA COUNTY(IES): LEXINGTON, RICHLAND	275	335	394	492	551
FLORENCE, SC MSA	223	271	319	399	447

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.

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) 032786
PART 1 - FINAL FMRS, NO INTENTS TO COMMENT

STATE: SOUTH CAROLINA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COUNTY(IES): FLORENCE GREENVILLE-SPARTANBURG, SC MSA COUNTY(IES): GREENVILLE, PICKENS, SPARTANBURG	241	292	344	430	482

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	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						

STATE: SOUTH DAKOTA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
RAPID CITY, SD MSA COUNTY(IES): PENNINGTON	250	301	350	434	486
SIOUX FALLS, SD MSA COUNTY(IES): MINNEHAHA	264	320	377	471	528

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
BRULE	222	269	317	396	444	BUFFALO	204	248	291	364	408
BUTTE	243	295	347	434	486	CAMPBELL	204	248	291	364	408
CHARLES MIX	222	269	317	396	444	CLARK	199	239	285	353	392
CLAY	222	269	317	396	444	CORSON	204	248	291	364	408
CUSTER	243	295	347	434	486	DAVISON	225	271	317	396	444
DAY	216	263	309	387	433	DEUEL	199	239	285	353	392
DEWEY	204	248	291	364	408	DOUGLAS	222	269	317	396	444
EDMUNDS	216	263	309	387	433	FALL RIVER	243	295	347	434	486
FAULK	216	263	309	387	433	GREGORY	204	248	291	364	408
HAAKON	204	248	291	364	408	HAMLIN	199	239	285	353	392
HAND	225	271	317	394	438	HANSON	225	271	317	396	444
HARDING	243	295	347	434	486	HUTCHINSON	222	269	317	396	444
HYDE	204	248	291	364	408	JACKSON	204	248	291	364	408
JERAULD	225	271	317	396	444	JONES	204	248	291	364	408
KINGSBURY	193	235	276	346	387	LAKE	193	235	276	346	387
LAWRENCE	249	295	347	434	486	LINCOLN	225	271	317	396	444
LYMAN	204	248	291	364	408	MCCOOK	193	235	276	346	387
MCPHERSON	216	263	309	387	433	MARSHALL	216	263	309	387	433
MEADE	250	301	350	434	486	MELLETTE	204	248	291	364	408
MINER	193	235	276	346	387	MOODY	193	235	276	346	387
PERKINS	204	248	291	364	408	POTTER	204	248	291	364	408
ROBERTS	216	263	309	387	433	SANBORN	225	271	317	396	444
SHANNON	204	248	291	364	408	SPINK	216	263	309	387	433
SULLY	204	248	291	364	408	TODD	204	248	291	364	408
TRIPP	204	248	291	364	408	TURNER	225	271	317	396	444
UNION	222	269	317	396	444	WALWORTH	204	248	291	364	408
YANKTON	222	269	317	396	444	ZIEBACH	204	248	291	364	408

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) 032786
PART 1 - FINAL FMRS, NO INTENTS TO COMMENT

S T A T E: 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
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		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BEDFORD	213	267	303	378	423	BENTON	200	243	287	358	401
BLEDSOE	222	270	318	397	445	BRADLEY	222	270	318	397	445
CARROLL	200	243	287	358	401	CHESTER	219	266	313	391	438
CLAY	174	214	253	316	351	COFFEE	213	267	303	378	423
DECATUR	219	266	313	391	438	DYER	204	247	291	364	408
FAYETTE	209	255	299	374	419	GIBSON	204	247	291	364	408
GILES	213	267	303	378	423	GREENE	198	241	283	354	397
GRUNDY	222	270	318	397	445	HANCOCK	198	241	283	354	397
HARDEMAN	219	266	313	391	438	HARDIN	219	266	313	391	438
HAYWOOD	209	261	299	374	419	HENDERSON	219	266	313	391	438
HENRY	200	243	287	358	401	HICKMAN	213	267	303	378	423
JACKSON	174	214	253	316	351	LAKE	204	247	291	364	408
LAUDERDALE	209	261	299	374	419	LAWRENCE	213	267	303	378	423
LEWIS	211	257	302	378	423	LOUDON	213	261	305	382	427
MCMINN	222	270	318	397	445	MCNAIRY	219	266	313	391	438
MARSHALL	213	267	303	378	423	MAURY	213	267	303	378	423
MEIGS	222	270	318	397	445	MONROE	213	261	305	382	427
MOORE	213	267	303	378	423	OBION	207	255	291	366	408
PERRY	211	257	302	378	423	POLK	222	270	318	397	445
RHEA	222	270	318	397	445	ROANE	213	261	305	382	427
VAN BUREN	206	250	294	368	412	WAYNE	211	257	302	378	423
WEAKLEY	200	243	287	358	401						

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) 032786
PART 1 - FINAL FMRS, NO INTENTS TO COMMENT

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
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
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		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANDERSON	215	261	307	384	430	ANDREWS	184	223	262	328	368
ARANSAS	238	289	340	425	476	ARCHER	206	251	295	369	413
ARMSTRONG	224	272	320	400	448	ATASCOSA	221	269	317	396	443
AUSTIN	254	308	363	454	508	BAILEY	208	254	300	371	414
BANDERA	221	269	317	396	443	BASTROP	219	266	313	392	439
BAYLOR	206	251	295	369	413	BEE	238	289	340	425	476
BLANCO	203	247	290	363	407	BOSQUE	189	230	270	338	378
BREWSTER	184	223	262	328	368	BRISCOE	224	272	320	400	448
BROOKS	238	289	340	425	476	BROWN	208	254	300	371	414
BURNET	203	247	290	363	407	CALDWELL	219	266	313	392	439
CALLAHAN	213	259	304	380	426	CAMP	198	240	283	353	396
CARSON	224	272	320	400	448	CASS	227	276	324	406	454
CASTRO	224	272	320	400	448	CHEROKEE	215	261	307	384	430
CHILDRESS	206	251	295	369	413	CLAY	206	251	295	369	413
COCHRAN	208	254	300	371	414	COLEMAN	208	254	300	371	414
COLLINGSWORT	224	272	320	400	448	COLORADO	254	308	363	454	508
COMANCHE	213	259	304	380	426	COOKE	237	287	338	423	474
COTTLE	206	251	295	369	413	CRANE	184	223	262	328	368
CROSBY	208	254	300	371	414	CULBERSON	184	223	262	328	368
DALLAM	224	272	320	400	448	DEAF SMITH	224	272	320	400	448
DELTA	227	276	324	406	454	DICKENS	208	254	300	371	414

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) 032786
PART 1 - FINAL FMRS, NO INTENTS TO COMMENT
STATE: TEXAS

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
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
GRAY	224	272	320	400	448
HALL	224	272	320	400	448
HARDEMAN	206	251	295	369	413
HASKELL	213	259	304	380	426
HENDERSON	215	261	307	384	430
HOOD	254	308	363	454	508
HUDSPETH	184	223	262	328	368
HUTCHINSON	224	272	320	400	448
JEFF DAVIS	184	223	262	328	368
JONES	213	259	304	380	426
KENEDY	238	289	340	425	476
KERR	221	269	317	396	443
KINNEY	205	251	294	362	402
KNOX	208	254	300	371	414
LAMB	208	254	300	371	414
LEE	219	266	313	392	439
LIPSCOMB	224	272	320	400	448
LLANO	203	247	290	363	407
LYNN	208	254	300	371	414
MARION	198	240	283	353	396
MAVERICK	205	251	294	362	402
MILAM	219	266	313	392	439
MITCHELL	213	259	304	380	426
MOORE	224	272	320	400	448
MOTLEY	208	254	300	371	414
NOLAN	213	259	304	380	426
OLDHAM	224	272	320	400	448
PANOLA	215	261	307	384	430
PECOS	184	223	262	328	368
RAINS	204	250	292	361	398
RED RIVER	227	276	324	406	454
REFUGIO	238	289	340	425	476
RUNNELS	208	254	300	371	414
SAN SABA	208	254	300	371	414
SHACKLEFORD	213	259	304	380	426
SOMERVELL	189	230	270	338	378
STONEWALL	213	259	304	380	426
TERRELL	184	223	262	328	368
THROCKMORTON	213	259	304	380	426
UPSHUR	198	240	283	353	396
VAL VERDE	205	251	294	362	402
WALKER	259	315	371	464	519
WHARTON	254	308	363	454	508
WILBARGER	206	251	295	369	413
WINKLER	184	223	262	328	368
WOOD	198	240	283	353	396
YOUNG	206	251	295	369	413
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
HALE	208	254	300	371	414
HANSFORD	224	272	320	400	448
HARTLEY	224	272	320	400	448
HEMPHILL	224	272	320	400	448
HOCKLEY	206	251	295	369	413
HOPKINS	227	276	324	406	454
HUNT	237	287	338	423	474
JACK	206	251	295	369	413
JIM WELLS	238	289	340	425	476
KENDALL	221	269	317	396	443
KENT	213	259	304	380	426
KING	208	254	300	371	414
KLEBERG	238	289	340	425	476
LAMAR	227	276	324	406	454
LA SALLE	200	243	286	357	400
LIMESTONE	189	230	270	338	378
LIVE OAK	238	289	340	425	476
LOVING	184	223	262	328	368
MCMULLEN	238	289	340	425	476
MATAGORDA	254	308	363	454	508
MEDINA	221	269	317	396	443
MILLS	208	254	300	371	414
MONTAGUE	206	251	295	369	413
MORRIS	227	276	324	406	454
NAVARRO	189	230	270	338	378
OCHILTREE	224	272	320	400	448
PALO PINTO	213	259	304	380	426
PARMER	224	272	320	400	448
PRESIDIO	184	223	262	328	368
REAL	205	251	294	362	402
REEVES	184	223	262	328	368
ROBERTS	224	272	320	400	448
RUSK	215	261	307	384	430
SCURRY	213	259	304	380	426
SHERMAN	224	272	320	400	448
STEPHENS	213	259	304	380	426
SWISHER	224	272	320	400	448
TERRY	208	254	300	371	414
TITUS	227	276	324	406	454
UVALDE	205	251	294	362	402
VAN ZANDT	204	250	292	361	398
WARD	184	223	262	328	368
WHEELER	224	272	320	400	448
WILLACY	238	289	340	425	476
WISE	254	308	363	454	508
YOAKUM	208	254	300	371	414
ZAVALA	205	251	294	362	402

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) 032786

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 032786
PART 1 - FINAL FMRS, NO INTENTS TO COMMENT

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
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
WAYNE	274	333	392	490	549

STATE: VIRGINIA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHARLOTTESVILLE, VA MSA COUNTY(IES): ALBEMARLE, FLUVANNA, GREENE, CHARLOTTESVI	314	382	449	562	629

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
BLAND	212	257	303	379	424
BUCHANAN	240	292	343	429	481
CAROLINE	297	361	424	530	594
CHARLOTTE	208	252	297	371	416
CULPEPER	262	318	374	468	524
DICKENSON	225	261	308	385	431
FLOYD	250	304	357	447	500
GILES	250	304	357	447	500
GREENSVILLE	197	239	281	352	394
HIGHLAND	251	305	359	449	503
KING GEORGE	297	361	424	530	594
LEE	215	261	308	385	431
LUNENBURG	208	252	297	371	416
MATHEWS	229	279	328	410	459
MIDDLESEX	229	279	328	410	459
NORTHUMBERLD	229	279	328	410	459
ORANGE	266	321	374	468	524
PATRICK	217	264	311	388	435
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
TAZEWELL	240	292	343	429	481
WESTMORELAND	229	279	328	410	459
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
STAUNTON	251	305	359	449	503
WINCHESTER	252	306	360	451	505
ALLEGHANY	251	305	359	449	503
APPOMATTOX	254	305	357	447	500
BATH	251	305	359	449	503
BRUNSWICK	197	239	281	352	394
BUCKINGHAM	208	252	297	371	416
CARROLL	212	257	303	379	424
CLARKE	252	306	360	451	505
CUMBERLAND	208	252	297	371	416
FAUQUIER	262	318	374	468	524
FREDERICK	252	306	360	451	505
GRAYSON	212	257	303	379	424
HALIFAX	208	252	297	371	416
ISLE OFWIGHT	203	247	287	359	394
LANCASTER	229	279	328	410	459
LOUISA	266	321	374	468	524
MADISON	266	321	374	468	524
MECKLENBURG	197	239	281	352	394
NORTHAMPTON	238	286	333	411	459
NOTTOWAY	208	252	297	371	416
PAGE	252	306	360	451	505
PRINCEEDWARD	208	252	297	371	416
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
WARREN	252	306	360	451	505
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
SOUTH BOSTON	208	252	297	371	416
WAYNESBORO	251	305	359	449	503

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) 032786
PART 1 - FINAL FMRS, NO INTENTS TO COMMENT

STATE: WASHINGTON	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BELLINGHAM, WA MSA COUNTY(IES): WHATCOM	303	368	433	552	607
OLYMPIA, WA MSA COUNTY(IES): THURSTON	315	382	450	563	630
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
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
CLALLAM	294	357	420	525	588	COLUMBIA	292	354	417	521	584
COWLITZ	273	332	390	488	547	FERRY	226	274	322	403	452
GARFIELD	292	354	417	521	584	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	SAN JUAN	300	364	428	536	600
SKAGIT	300	364	428	536	600	SKAMANIA	273	332	390	488	547
WAHKIAKUM	273	332	390	488	547						

STATE: WEST VIRGINIA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHARLESTON, WV MSA COUNTY(IES): KANAWHA, PUTNAM	325	394	464	580	650
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
BRAXTON	204	248	292	365	409	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	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	POCAHONTAS	214	260	306	382	428
PRESTON	275	334	393	491	550	RALEIGH	225	270	311	388	435
RANDOLPH	204	248	292	365	409	SUMMERS	225	270	315	394	441
TAYLOR	228	277	326	407	456	TUCKER	204	248	292	365	409
UPSHUR	204	248	292	365	409	WEBSTER	214	260	306	382	428
WYOMING	225	270	311	388	435						

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)
PART 1 - FINAL FMRS, NO INTENTS TO COMMENT

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 032786
PART 1 - FINAL FMRS, NO INTENTS TO COMMENT
STATE: WISCONSIN

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
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
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
ADAMS	251	304	358	448	502
BARRON	239	290	342	427	479
BUFFALO	227	275	324	405	454
CLARK	239	290	342	427	479
DODGE	229	278	327	409	458
FLORENCE	216	263	309	386	433
GRANT	226	274	322	403	452
GREEN LAKE	246	299	352	440	493
IRON	220	268	315	394	441
JEFFERSON	262	318	375	468	525
KEWAUNEE	226	272	319	394	440
LANGLADE	234	284	334	418	468
MANITOWOC	226	272	319	394	440
MARQUETTE	220	268	315	394	441
MONROE	227	275	324	405	454
ONEIDA	234	284	334	418	468
PIERCE	227	275	324	405	454
PORTAGE	251	304	358	448	502
RICHLAND	226	274	322	403	452
SAUK	229	278	327	409	458
SHAWANO	220	268	315	394	441
TREMPEALEAU	227	275	324	405	454
WALWORTH	262	318	375	468	525
WAUPACA	220	268	315	394	441
WOOD	251	304	358	448	502

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ASHLAND	220	268	315	394	441
BAYFIELD	220	268	315	394	441
BURNETT	220	268	315	394	441
COLUMBIA	229	278	327	409	458
DUNN	239	290	342	427	479
FOREST	234	284	334	418	468
GREEN	234	284	332	412	457
IOWA	226	274	322	403	452
JACKSON	227	275	324	403	454
JUNEAU	251	304	358	448	502
LAFAYETTE	226	274	322	403	452
LINCOLN	234	284	334	418	468
MARINETTE	220	265	311	388	433
MENOMINEE	220	268	315	394	441
OCONTO	216	263	309	386	433
PEPIN	227	275	324	405	454
POLK	239	290	342	427	479
PRICE	220	268	315	394	441
RUSK	220	268	315	394	441
SAWYER	220	268	315	394	441
TAYLOR	220	268	315	394	441
VILAS	234	284	334	418	468
WASHBURN	220	268	315	394	441
WAUSHARA	220	268	315	394	441

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) 032786
PART 1 - FINAL FMRS, NO INTENTS TO COMMENT

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
ALBANY	225	275	325	405	450
CAMPBELL	225	275	325	405	450
CONVERSE	225	275	325	405	450
FREMONT	225	275	325	405	450
HOT SPRINGS	230	280	330	410	460
LINCOLN	225	275	325	405	450
PARK	230	280	330	410	460
SHERIDAN	310	380	445	555	625
SWEETWATER	225	275	325	405	450
UINTA	225	275	325	405	450
WESTON	230	280	330	410	460

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BIG HORN	230	280	330	410	460
CARBON	225	275	325	405	450
CROOK	225	280	330	410	460
GOSHEN	225	275	325	405	450
JOHNSON	225	275	325	405	450
NIOBRARA	225	275	325	405	450
PLATTE	225	275	325	405	450
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

S T A T E: PUERTO RICO	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
AGUADILLA, PR MSA					
COUNTY(IES): AQUADELLA	225	275	325	405	455
ARECIBO, PR MSA					
COUNTY(IES): ARECIBO	330	400	470	590	660
CAGUAS, PR PMSA					
COUNTY(IES): CAGUAS	275	330	390	490	545
MAYAGUEZ, PR MSA					
COUNTY(IES): MAYAGUEZ	225	275	325	405	455
PONCE, PR MSA					
COUNTY(IES): PONCE	320	390	460	575	645
SAN JUAN, PR PMSA					
COUNTY(IES): SAN JUAN	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

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ST. CROIX	300	365	430	540	600

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 032786

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) 032786
PART 2 - FINAL FMRS, PENDING REVIEW OF PUBLIC COMMENT

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
STATE: CALIFORNIA					
ANAHEIM-SANTA ANA, CA PMSA COUNTY(IES): ORANGE	440	535	630	790	885
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
SACRAMENTO, CA MSA COUNTY(IES): EL DORADO, PLACER, SACRAMENTO, YOLO	298	360	425	530	590
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
STOCKTON, CA MSA COUNTY(IES): SAN JOAQUIN	279	339	399	499	558
NONMETROPOLITAN COUNTIES					
	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SAN BENITO	273	332	390	488	547
STATE: COLORADO					
DENVER, CO PMSA COUNTY(IES): ADAMS, ARAPAHOE, DENVER, DOUGLAS, JEFFERSON	355	420	495	615	690
NONMETROPOLITAN COUNTIES					
	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LA PLATA	270	327	385	482	540
PROWERS	236	284	330	413	463
STATE: CONNECTICUT					
BRIDGEPORT-MILFORD, CT PMSA COUNTY: FAIRFIELD TOWNS OF BRIDGEPORT, EASTON, FAIRFIELD, MONROE, SHELTON, STRATFORD, TRUMBULL COUNTY: NEW HAVEN TOWNS OF ANSONIA, BEACON FALLS, DERBY, MILFORD, OXFORD, SEYMOUR	317	386	454	567	635
BRISTOL, CT PMSA COUNTY: HARTFORD TOWNS OF BRISTOL, BURLINGTON COUNTY: LITCHFIELD TOWNS OF PLYMOUTH	304	369	434	543	608
NEW BRITAIN, CT PMSA COUNTY: HARTFORD TOWNS OF BERLIN, NEW BRITAIN, PLAINVILLE, SOUTHINGTON	282	343	403	504	564
NEW LONDON-NORWICH, CT-RI MSA 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	302	366	431	539	604
WATERBURY, CT MSA COUNTY: LITCHFIELD TOWNS OF BETHLEHEM, THOMASTON, WATERTOWN, WOODBURY COUNTY: NEW HAVEN TOWNS OF MIDDLEBURY, NAUGATUCK, PROSPECT, SOUTHBURY, WATERBURY, WOLCOTT	289	342	403	500	558
NONMETROPOLITAN COUNTIES OR PARTS OF COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
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					
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					
WASHINGTON, DC-MD-VA MSA COUNTY(IES): WASHINGTON	370	450	530	665	745

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 032786
PART 2 - FINAL FMRS, PENDING REVIEW OF PUBLIC COMMENT

STATE: FLORIDA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LAKELAND-WINTER HAVEN, FL MSA COUNTY(IES): POLK	261	317	373	467	523
OCALA, FL MSA COUNTY(IES): MARION	241	294	344	430	482
ORLANDO, FL MSA COUNTY(IES): ORANGE, OSCEOLA, SEMINOLE	310	375	445	555	620
TAMPA-ST. PETERSBURG-CLEARWATER, FL MSA COUNTY(IES): HERNANDO, HILLSBOROUGH, PASCO, PINELLAS	286	347	409	511	573

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MONROE	326	396	466	583	653

STATE: GEORGIA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
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

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATKINSON	195	237	279	349	391	MCINTOSH	230	279	329	411	460

STATE: IDAHO											
BANNOCK	258	314	366	458	513	CANYON	247	300	353	441	494
PAYETTE	247	300	353	441	494	WASHINGTON	247	300	353	441	494

STATE: INDIANA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CINCINNATI, OH-KY-IN PMSA COUNTY(IES): DEARBORN	250	305	360	450	500
MUNCIE, IN MSA COUNTY(IES): DELAWARE	226	272	319	396	443

STATE: IOWA

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
APPANOOSE	221	268	316	395	442	DAVIS	221	268	316	395	442
JEFFERSON	221	268	316	395	442	KEOKUK	221	268	316	395	442
LUCAS	221	268	316	395	442	VAN BUREN	221	268	316	395	442
WAYNE	221	268	316	395	442						

STATE: 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

STATE: MAINE	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PORTSMOUTH-DOVER-ROCHESTER, NH-ME MSA COUNTY: YORK TOWNS OF BERWICK, ELIOT, KITTERY, NORTH BERWIC, SOUTH BERWIC, WELLS, YORK	305	370	431	531	595

NONMETROPOLITAN COUNTIES OR PARTS OF COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CUMBERLAND COUNTY TOWNS OF BALDWIN, BRIDGTON, BRUNSWICK, CASCO HARPSWELL, HARRISON, NAPLES, NEW GLOUCEST, POWNAL, SEBAGO	280	340	400	496	553
HANCOCK COUNTY	266	315	370	461	515
KENNEBEC COUNTY	261	307	361	452	506
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
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

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) 032786

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 032786
PART 2 - FINAL FMRS, PENDING REVIEW OF PUBLIC COMMENT

S T A T E: MARYLAND

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COLUMBIA, MD MSA					
COUNTY(IES): COLUMBIA	400	485	570	690	765
WASHINGTON, DC-MD-VA MSA					
COUNTY(IES): CALVERT, CHARLES, FREDERICK, MONTGOMERY, PRINCE GEORG	370	450	530	665	745
WILMINGTON, DE-NJ-MD PMSA					
COUNTY(IES): CECIL	304	367	432	540	605

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CAROLINE	258	310	365	456	511

S T A T E: MASSACHUSETTS

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BOSTON, MA PMSA					
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 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	400	485	570	715	800
BROCKTON, MA PMSA					
COUNTY: BRISTOL TOWNS OF EASTON COUNTY: NORFOLK TOWNS OF AVON COUNTY: PLYMOUTH TOWNS OF ABINGTON, BRIDGEWATER, BROCKTON, EAST BRIDGEW, HALIFAX, WEST BRIDGEW, WHITMAN	355	431	507	633	710
LAWRENCE-HAVERHILL, MA-NH PMSA					
COUNTY: ESSEX TOWNS OF AMESBURY, ANDOVER, BOXFORD, GEORGETOWN, GROVELAND, HAVERHILL, LAWRENCE, MERRIMAC, METHUEN, NEWBURY NEWBURYPORT, NORTH ANDOVE, SALISBURY, WEST NEWBURY	336	408	480	601	673

NONMETROPOLITAN COUNTIES OR PARTS OF COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BRISTOL COUNTY TOWNS OF BERKLEY, DIGHTON, TAUNTON	295	358	422	527	590
HAMPDEN COUNTY TOWNS OF BLANDFORD, BRIMFIELD, CHESTER, GRANVILLE HOLLAND, TOLLAND, WALES	293	356	419	523	586

S T A T E: MICHIGAN

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANN ARBOR, MI PMSA					
COUNTY(IES): WASHTENAW	351	426	502	627	702
BATTLE CREEK, MI MSA					
COUNTY(IES): CALHOUN	244	296	348	436	488
DETROIT, MI PMSA					
COUNTY(IES): LAPEER, LIVINGSTON, MACOMB, MONROE, OAKLAND, ST CLAIR, WAYNE	287	345	403	502	560
GRAND RAPIDS, MI MSA					
COUNTY(IES): KENT, OTTAWA	240	295	345	430	485
JACKSON, MI MSA					
COUNTY(IES): JACKSON	268	325	383	473	536
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

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALGER	210	255	301	376	421	GLADWIN	234	285	335	419	469
HILLSDALE	265	321	378	473	530	IONIA	250	301	355	442	494
IOSCO	234	285	335	419	469	SHIAWASSEE	264	320	377	471	528

S T A T E: MINNESOTA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MINNEAPOLIS-ST. PAUL, MN-WI MSA					
COUNTY(IES): ANOKA, CARVER, CHISAGO, DAKOTA, HENNEPIN, ISANTI, RAMSEY, SCOTT, WASHINGTON, WRIGHT	335	405	480	600	670

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
POLK	235	286	336	420	471

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) 032786
PART 2 - FINAL FMRS, PENDING REVIEW OF PUBLIC COMMENT

STATE: MISSISSIPPI											
PEARL RIVER	223	271	319	398	449	STONE	223	272	319	404	446
STATE: MISSOURI											
CLARK	209	253	298	373	418	JOHNSON	205	247	291	363	407
LINCOLN	202	246	289	362	405	MONTGOMERY	202	246	289	362	405
WARREN	202	246	289	362	405						
STATE: NEBRASKA											
DODGE	216	263	309	387	433						

STATE: NEW HAMPSHIRE	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LAWRENCE-HAVERHILL, MA-NH PMSA	336	408	480	601	673
COUNTY: ROCKINGHAM TOWNS OF ATKINSON, BRENTWOOD, DANVILLE, DERRY, EAST KINGSTO, HAMPSTEAD, KINGSTON, NEWTON, PLAISTOW SALEM, SANDOWN, SEABROOK, WINDHAM					
NASHUA, NH PMSA	388	471	554	693	776
COUNTY: HILLSBOROUGH TOWNS OF AMHERST, BROOKLINE, HOLLIS, HUDSON, LITCHFIELD, MERRIMACK, MILFORD, MONT VERNON, NASHUA WILTON					
COUNTY: ROCKINGHAM TOWNS OF LONDONDERRY					
PORTSMOUTH-DOVER-ROCHESTER, NH-ME MSA	305	370	431	531	595
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					

NONMETROPOLITAN COUNTIES OR PARTS OF COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BELKNAP COUNTY	298	359	418	518	580
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
SULLIVAN COUNTY	298	359	419	523	586

STATE: NEW JERSEY	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
JERSEY CITY, NJ PMSA	295	359	422	528	591
COUNTY(IES): HUDSON					
MIDDLESEX-SOMERSET-HUNTERDON, NJ PMSA	370	450	529	662	741
COUNTY(IES): HUNTERDON, MIDDLESEX, SOMERSET					
MONMOUTH-OCEAN, NJ PMSA	339	411	484	605	678
COUNTY(IES): MONMOUTH, OCEAN					
PHILADELPHIA, PA-NJ PMSA	310	375	440	550	615
COUNTY(IES): BURLINGTON, CAMDEN, GLOUCESTER					
WILMINGTON, DE-NJ-MD PMSA	304	367	432	540	605
COUNTY(IES): SALEM					

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PART 2 - FINAL FMRS, PENDING REVIEW OF PUBLIC COMMENT

STATE: NEW YORK

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALBANY-SCHENECTADY-TROY, NY MSA COUNTY(IES): ALBANY, GREENE, MONTGOMERY, RENSSELAER, SARATOGA, SCHENECTADY	275	330	390	490	545
ELMIRA, NY MSA COUNTY(IES): CHEMUNG	251	305	359	449	503
GLENS FALLS, NY MSA COUNTY(IES): WARREN, WASHINGTON	259	315	370	463	519
NASSAU-SUFFOLK, NY PMSA COUNTY(IES): NASSAU, SUFFOLK	403	490	576	720	807
NEW YORK, NY PMSA COUNTY(IES): BRONX, KINGS, NEW YORK, PUTNAM, QUEENS, RICHMOND, ROCKLAND, WESTCHESTER	330	400	470	590	660
ORANGE COUNTY, NY PMSA COUNTY(IES): ORANGE	303	368	433	541	606
POUGHKEEPSIE, NY MSA COUNTY(IES): DUTCHESS	333	404	476	595	666
ROCHESTER, NY MSA COUNTY(IES): LIVINGSTON, MONROE, ONTARIO, ORLEANS, WAYNE	295	360	425	530	590
SYRACUSE, NY MSA COUNTY(IES): MADISON, ONONDAGA, OSWEGO	260	311	364	455	510

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	COLUMBIA	244	296	349	436	488
ESSEX	236	286	336	420	471	FRANKLIN	235	286	336	420	471
GENESEE	241	292	344	430	482	HAMILTON	235	286	336	420	471
JEFFERSON	253	307	361	451	506	LEWIS	253	307	361	451	506
OTSEGO	238	290	341	426	477	ST LAWRENCE	241	292	344	430	482
SCHUYLER	244	296	349	436	488	STEUBEN	244	296	349	436	488
ULSTER	304	369	434	542	608	WYOMING	242	292	344	430	482

STATE: NORTH CAROLINA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
GREENSBORO--WINSTON-SALEM--HIGH POINT, NC MSA COUNTY(IES): DAVIDSON, DAVIE, FORSYTH, GUILFORD, RANDOLPH, STOKES, YADKIN	253	308	362	453	507
RALEIGH-DURHAM, NC MSA COUNTY(IES): DURHAM, FRANKLIN, ORANGE, WAKE	290	353	415	519	581

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CALDWELL	219	265	312	391	437	GRANVILLE	210	255	300	375	420

STATE: OHIO

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CANTON, OH MSA COUNTY(IES): CARROLL, STARK	237	288	338	423	474
CINCINNATI, OH-KY-IN PMSA COUNTY(IES): CLERMONT, HAMILTON, WARREN	250	305	360	450	500
HAMILTON-MIDDLETOWN, OH PMSA COUNTY(IES): BUTLER	280	341	401	501	561
MANSFIELD, OH MSA COUNTY(IES): RICHLAND	227	277	325	406	455

STATE: OKLAHOMA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OKLAHOMA CITY, OK MSA COUNTY(IES): CANADIAN, CLEVELAND, LOGAN, MCCLAIN, OKLAHOMA, POTTAWATOMIE	300	361	424	520	585

STATE: OREGON

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MEDFORD, OR MSA COUNTY(IES): JACKSON	319	387	455	569	638

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COOS	305	370	436	545	610	CURRY	305	370	436	545	610

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 032786
PART 2 - FINAL FMRS, PENDING REVIEW OF PUBLIC COMMENT

S T A T E: PENNSYLVANIA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PHILADELPHIA, PA-NJ PMSA					
COUNTY(IES): BUCKS, CHESTER, DELAWARE, MONTGOMERY, PHILADELPHIA	310	375	440	550	615

NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
NORTHUMBRLND	242	282	332	415	464

S T A T E: RHODE ISLAND	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
NEW LONDON-NORWICH, CT-RI MSA					
COUNTY: WASHINGTON TOWNS OF HOPKINTON, WESTERLY	302	366	431	539	604
PROVIDENCE, RI PMSA					
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	275	330	390	490	545

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

S T A T E: TEXAS	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TX PMSA					
COUNTY(IES): COLLIN, DALLAS, DENTON, ELLIS, KAUFMAN, ROCKWALL	285	350	410	515	575
LUBBOCK, TX MSA					
COUNTY(IES): LUBBOCK	294	357	420	525	589

NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANGELINA	250	303	357	446	500	HOUSTON	259	315	371	464	519
NACOGDOCHES	250	303	357	446	500	POLK	259	315	371	464	519
SABINE	182	222	261	326	365	SAN AUGUSTIN	182	222	261	326	365
SAN JACINTO	259	315	371	464	519	SHELBY	182	222	261	326	365
TRINITY	259	315	371	464	519						

STATE: VERMONT	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHITTENDEN COUNTY TOWNS OF BOLTON, BUELS, HUNTINGTON, UNDERHILL WESTFORD	324	394	464	580	649

S T A T E: VIRGINIA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
RICHMOND-PETERSBURG, VA MSA					
COUNTY(IES): CHARLES CITY, CHESTERFIELD, DINWIDDIE, GOOCHLAND, HANOVER, HENRICO, NEW KENT, POWHATAN, PRINCEGEORGE COLONIAL HEI, HOPEWELL, PETERSBURG, RICHMOND	287	345	404	505	566
WASHINGTON, DC-MD-VA MSA					
COUNTY(IES): ARLINGTON, FAIRFAX, LOUDOUN, PRINCEWILLIA, STAFFORD, ALEXANDRIA, FAIRFAX, FALLS CHURCH, MANASSAS MANASSAS PRK	370	450	530	665	745

NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
FRANKLIN	217	264	311	388	435

S T A T E: WASHINGTON	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SPOKANE, WA MSA					
COUNTY(IES): SPOKANE	266	315	371	474	525

S T A T E: WISCONSIN	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
APPLETON-OSHKOSH-NEENAH, WI MSA					
COUNTY(IES): CALUMET, OUTAGAMIE, WINNEBAGO	246	299	352	440	493
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

NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DOOR	226	272	319	394	440	FOND DU LAC	249	302	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.

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 032786
PART 3 - FINAL FMRS, PENDING REVIEW OF PUBLIC COMMENTS (INCREASES FOR SELECTED BEDROOM SIZES)
STATE: ALASKA

NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
FAIRBKS-N.ST	438	544	676	858	941

STATE: CALIFORNIA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LOS ANGELES-LONG BEACH, CA PMSA COUNTY(IES): LOS ANGELES	416	490	570	741	851
SAN JOSE, CA PMSA COUNTY(IES): SANTA CLARA	450	532	626	782	876
VALLEJO-FAIRFIELD-NAPA, CA PMSA COUNTY(IES): NAPA, SOLANO	366	413	501	709	771
VISALIA-TULARE-PORTERVILLE, CA MSA COUNTY(IES): TULARE	282	343	404	546	593
YUBA CITY, CA MSA COUNTY(IES): SUTTER, YUBA	256	307	357	462	520

NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MENDOCINO	302	367	432	571	622
PLUMAS	286	336	397	518	572

MERCED	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
	285	346	407	523	593

STATE: COLORADO	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BOULDER-LONGMONT, CO PMSA COUNTY(IES): BOULDER	402	473	552	670	747

STATE: FLORIDA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
FORT LAUDERDALE-HOLLYWOOD-POMPANO BEACH, FL PMSA COUNTY(IES): BROWARD	372	440	512	636	712

STATE: ILLINOIS	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ST. LOUIS, MO-IL MSA COUNTY(IES): CLINTON, JERSEY, MADISON, MONROE, ST CLAIR	277	335	395	495	555

NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
JACKSON	249	302	363	448	525

STATE: MAINE					
KNOX COUNTY	271	312	367	459	515
LINCOLN COUNTY	271	312	366	452	506
SOMERSET COUNTY	271	312	366	452	506

STATE: MASSACHUSETTS	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LOWELL, MA-NH PMSA COUNTY: MIDDLESEX TOWNS OF BILLERICA, CHELMSFORD, DRACUT, DUNSTABLE, LOWELL, PEPPERELL, TEWKSBURY, TYNGSBOROUGH, WESTFORD	341	389	451	564	631
PAWTUCKET-WOONSOCKET-ATTLEBORO, RI-MA PMSA COUNTY: BRISTOL TOWNS OF ATTLEBORO, NORTH ATTLEB, REHOBOTH, SEEKONK COUNTY: NORFOLK TOWNS OF PLAINVILLE COUNTY: WORCESTER TOWNS OF BLACKSTONE, MILLVILLE	279	319	376	468	519
SALEM-GLOUCESTER, MA PMSA COUNTY: ESSEX TOWNS OF BEVERLY, DANVERS, ESSEX, GLOUCESTER, HAMILTON, IPSWICH, MANCHESTER, MARBLEHEAD, MIDDLETON, PEABODY ROCKPORT, ROWLEY, SALEM, SWAMPSCOTT, TOPSFIELD, WENHAM	396	459	540	675	756

NONMETROPOLITAN COUNTIES OR PARTS OF COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
FRANKLIN COUNTY	305	358	419	523	586

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) 032786
PART 3 - FINAL FMRS, PENDING REVIEW OF PUBLIC COMMENTS (INCREASES FOR SELECTED BEDROOM SIZES)

STATE: MICHIGAN

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CLARE	234	285	350	419	469
GRD TRAVERSE	283	323	380	475	539
ROSCOMMON	234	285	350	419	469

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
GOGEBIC	234	285	317	389	436
ONTONAGON	234	285	317	389	436

STATE: MISSISSIPPI

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PASCAGOULA, MS MSA COUNTY(IES): JACKSON	256	320	367	474	512

STATE: MISSOURI

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ST. LOUIS, MO-IL MSA COUNTY(IES): FRANKLIN, JEFFERSON, ST CHARLES, ST LOUIS, ST. LOUIS	277	335	395	495	555

STATE: NEW HAMPSHIRE

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LOWELL, MA-NH PMSA COUNTY: HILLSBOROUGH TOWNS OF PELHAM	341	389	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	305	363	424	525	588

STATE: NEW JERSEY

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALLENTOWN-BETHLEHEM, PA-NJ MSA COUNTY(IES): WARREN	275	330	385	485	540
NEWARK, NJ PMSA COUNTY(IES): ESSEX, MORRIS, SUSSEX, UNION	325	385	450	565	630

STATE: NEW YORK

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CLINTON	249	298	346	428	471

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SENECA	275	320	377	463	519

STATE: OHIO

ATHENS	218	277	346	422	467

STATE: OREGON

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PORTLAND, OR PMSA COUNTY(IES): CLACKAMAS, MULTNOMAH, WASHINGTON, YAMHILL	265	320	375	506	544

STATE: PENNSYLVANIA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALLENTOWN-BETHLEHEM, PA-NJ MSA COUNTY(IES): CARBON, LEHIGH, NORTHAMPTON	275	330	385	485	540
LANCASTER, PA MSA COUNTY(IES): LANCASTER	273	332	394	505	547

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) 032786
PART 3 - FINAL FMRS, PENDING REVIEW OF PUBLIC COMMENTS (INCREASES FOR SELECTED BEDROOM SIZES)

S T A T E: RHODE ISLAND	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PAWTUCKET-WOONSOCKET-ATTLEBORO, RI-MA PMSA	279	319	376	468	519
COUNTY: PROVIDENCE TOWNS OF BURRILLVILLE, CENTRAL FALL, CUMBERLAND, LINCOLN, NORTH SMITHF, PAWTUCKET, SMITHFIELD WOONSOCKET					

NONMETROPOLITAN COUNTIES OR PARTS OF COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
NEWPORT COUNTY TOWNS OF MIDDLETOWN, NEWPORT, PORTSMOUTH	316	357	420	525	588
WASHINGTON COUNTY TOWNS OF CHARLESTOWN, NEW SHOREHAM	304	356	419	523	586

S T A T E: TENNESSEE	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA MSA	239	287	334	410	454
COUNTY(IES): CARTER, HAWKINS, SULLIVAN, UNICOI, WASHINGTON					

NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PUTNAM	207	255	294	379	419
WHITE	207	255	294	379	419

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
WARREN	207	255	294	379	419

S T A T E: VIRGINIA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA MSA	239	287	334	410	454
COUNTY(IES): SCOTT, WASHINGTON, BRISTOL					
NORFOLK-VIRGINIA BEACH-NEWPORT NEWS, VA MSA	301	361	415	511	572
COUNTY(IES): GLOUCESTER, JAMES CITY, YORK, CHESAPEAKE, HAMPTON, NEWPORT NEWS, NORFOLK, POQUOSON, PORTSMOUTH, SUFFOLK VIRGINIA BEA, WILLIAMSBURG					

S T A T E: WASHINGTON	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BREMERTON, WA MSA	304	370	435	583	672
COUNTY(IES): KITSAP					
TACOMA, WA PMSA	270	325	381	518	561
COUNTY(IES): PIERCE					

NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHELAN	249	307	376	504	558
PEND OREILLE	226	278	337	426	479
WHITMAN	292	354	417	584	660

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DOUGLAS	249	307	376	504	558
WALLA WALLA	292	354	423	567	594

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SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 031786

	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

* FINAL FMRS, PENDING REVIEW OF PUBLIC COMMENT

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 031786

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 031786

	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

* FINAL FMRS, PENDING REVIEW OF PUBLIC COMMENT

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 031786

	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) 031786

	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) 031786

	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

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 031786

	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) 031786

	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

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 031786

	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

* FINAL FMRS, PENDING REVIEW OF PUBLIC COMMENT

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 031786

	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) 031786

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 031786

	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

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

* FINAL FMRS, PENDING REVIEW OF PUBLIC COMMENT

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 031786

	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) 031786

	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

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B
* FINAL FMRS, PENDING REVIEW OF PUBLIC COMMENT

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 031786

	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) 031786

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 031786

	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) 031786

	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) 031786

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 031786

	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

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[FR Doc. 86-8768 Filed 4-21-86; 8:45 am]
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federal register

Tuesday
April 22, 1986

Part IV

Department of Housing and Urban Development

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

Section 8 Housing Assistance Payments Program; Proposed Fair Market Rents for New Construction and Substantial Rehabilitation; Proposed Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

[Docket No. N-86-1590; FR-2161]

Section 8 Housing Assistance Payments Program; Proposed Fair Market Rents for New Construction and Substantial Rehabilitation; All Markets

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 develop Fair Market Rents periodically, but not less frequently than annually. This document proposes Fiscal Year 1986 Fair Market Rents for the Section 8 New Construction Program and the Section 8 Substantial Rehabilitation Program. These proposed Fair Market Rents are based primarily on the level of rentals paid for recently completed or newly-constructed dwelling units of modest design within each market area as determined by HUD Field Office staff. They also reflect the Department's cost containment efforts in relation to housing assistance provided in the Section 8 New Construction and Substantial Rehabilitation Programs.

DATE: Comment due date: May 22, 1986.

ADDRESS: 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; must refer to the docket number indicated in the heading of this document and should give reasons for any recommendation. A copy of each comment submitted to the Rules Docket Clerk will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Edward M. Winiarski, Chief Appraiser, Valuation Branch, Technical Support Division, Office of Insured Multifamily Housing Development, 451 Seventh Street, SW., Washington, D.C. 20410-8000, telephone (202) 426-7624. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Background

Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) (the Act) authorizes a system of housing assistance payments to aid lower income families in renting decent, safe and sanitary housing. These programs, known collectively as the Section 8 Housing Assistance Payments Program, provide assistance payments for lower income families for a variety of housing options, including new construction and substantial rehabilitation.

Under these programs, HUD or public housing agencies (PHAs) make rental assistance payments on behalf of eligible families to owners. Total housing expense represents the total monthly cost of housing an eligible family, which is the sum of the contract rent and any utulity allowance for the assisted unit occupied by the family. Where the unit is leased to an eligible family, the housing assistance payment represents the difference between the total housing expense and the total family contribution. Initial contract rents plus any allowances for utilities generally may not exceed area-wide Fair Market Rents (FMRs) established by the Department.

Section 8(c)(1) of the Act states that the Secretary shall establish FMRs periodically, but not less than annually. Section 8(c)(1) further provides that the Department shall publish FMRs in the **Federal Register**, with reasonable time for public comment and that the FMRs will become effective upon publication in final form in the **Federal Register**.

In previous years, the Department has issued FMRs in rulemaking documents. The Department recently determined that publication by rulemaking is not necessary and has delayed timely publication of the FMRs. Accordingly, the Department published a final rule on September 25, 1985 (see 50 FR 38791) changing the FMR publication procedure to a Notice procedure, effective October 30, 1985. Under this new procedure, FMRs are published in proposed form in a Notice with a minimum of 30 days for comment and then are published in final form in a Notice for immediate effect. This means FMRs may be effective the same day they appear in final form in the **Federal Register**.

This Notice

Today's document proposes the Fiscal Year 1986 FMRs for new construction and substantial rehabilitation and would apply to section 8 New Construction under Part 880, Substantial Rehabilitation under Part 881, Housing Finance and Development Agencies under Part 883, New Construction Set-Aside for section 515 Rural Rental Housing Projects under Part 884, Housing for the Elderly and Handicapped under Part 885 and Disposition of HUD-owned Projects under Part 886, Subpart C.

Fair Market Rents are based primarily on the levels of rent paid for recently completed or newly constructed dwelling units of modest design within each market area, as determined by HUD Field Office Staff, trended ahead to October 1, 1987, to allow for the period of construction or rehabilitation of the projects involved. They are estimates of rentals that prospective tenants who are not receiving Federal rent subsidies would be willing and able to pay for recently completed or newly constructed dwelling units of modest design, with suitable amenities. They do not necessarily represent rents needed to support construction and operating costs.

This proposed Notice includes Fair Market Rents for 0, 1, 2, 3, and 4 or more bedroom units in five structural categories (detached, semi-detached/row, walkup, 2-4 story elevator, and 5-plus story elevator buildings). Construction or rehabilitation of elevator projects for families with children is prohibited unless there is no practical alternative. Fair Market Rents for family units in elevator structures are proposed for appropriate market areas. However, the determination that there is "no practical alternative" must be made on project-by-project basis.

In addition, regulations provide that high-rise elevator projects *for the elderly* may be approved *only* if HUD determines that high-rise construction is appropriate after taking into account land costs, safety and security factors.

For the section 202/section 8 assistance program, the applicable Fair Market Rents are those in effect on the date that the proposal or application for assistance was submitted to HUD (or, in the case of assistance under Part 884, by FmHA, and in the case of assistance under Part 883, by the State Agency). The following exceptions apply:

1. For all projects where the FMRs are increased after the completion date of a processing stage, the increased FMRs will apply to all subsequent processing in reviewing contract rents and utilities. (This does not apply when the borrower agrees to limit the rents to 100 percent of the FMRs in effect at the time of fund reservation in order to enter into a negotiated construction contract, as permitted under the section 202 competitive bid procedure.) The decision concerning appropriate FMRs to use in project processing will be

based upon an entire schedule, rather than selectively choosing the highest unit rents from the currently effective FMR schedule or a previously published schedule for that area.

2. For all projects where the FMRs are decreased after the completion date of a processing stage, the applicable FMR will be the higher of:

(a) The FMR set forth in Schedule A of the annual publication of Fair Market Rents or

(b) The FMR set forth in a previously published schedule that was in effect at the time that the application was submitted.

Interested persons will have a 30-day comment period after publication of this Notice in which to submit comments on the revised Fair Market Rents contained in Schedule A. All comments submitted during this period will be carefully considered and Fair Market Rents will be revised as appropriate.

Proposals may be submitted that involve combinations of structural types and unit sizes for which FMRs are not proposed in this document or for which there are not FMRs already in effect. However, no proposal of this type will be approved until the FMRs in this Notice have been published for effect.

In addition, interested persons may submit comments or other information (with adequate documentation) on Fair Market Rents at any time, even after expiration of the 30-day comment period provided in this Notice. Any data submitted will be considered in initiating interim revisions to the Fair Market Rent schedules. In order to expedite consideration of your submission, please send a copy to the HUD Field Office having jurisdiction for the market area involved, as well as to the Rules Docket Clerk.

HUD regulations in 24 CFR Part 50, implementing section 102(2)(C) of the National Environmental Policy Act of 1969, contain categorical exclusions from their requirements for the actions, activities and programs specified in § 50.20. Since the amendments made by this rule are within the exclusion set forth in § 50.20(*l*), no environmental assessment is required for this rule, and no environmental finding has been prepared.

The Catalog of Federal Domestic Assistance Program number and title for the activities covered by this Notice are 14.156, Lower Housing Assistance Program (section 8).

Dated: April 15, 1986.

Silvio J. DeBartolomeis,

Acting General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

Schedule A—Proposed Fair Market Rents for New Construction—Substantial Rehabilitation

Notes

Special Category Computations

(1) FMRs for dwelling units designed for the elderly or handicapped are those for appropriate size units, not to exceed two bedrooms for the elderly, multiplied by 1.05.

(2) Congregate housing dwelling unit FMRs are the same as for non-congregate units.

(3) Single room occupancy dwelling unit FMRs (applicable only for Substantial Rehabilitation projects) are 75 percent of those for zero-bedroom units of the same structural type.

(4) FMRs for living units in a group home developed with a direct loan under section 202 of the Housing Act of 1959 are those for zero-bedroom or a one-bedroom unit of the walk-up structural type (or if the group home contains an elevator, of the 2–4 story elevator structural type). Each living unit in a group home is composed of a bedroom plus a proportionate part of common living space ordinarily included in a living unit. One-bedroom FMRs may be applied only when the bedroom space plus the proportionate part of the common space totals at least 450 square feet.

(5) Manufactured home (unit and space) FMRs shall be 95 percent of the rents for detached units of the appropriate bedroom size (except that where a manufactured home FMR is specified in the schedule for an area, the amount on the schedule shall be the FMR).

(6) FMRs for manufactured home spaces in newly constructed or substantially rehabilitated manufactured home parks are determined by multiplying by 1.25 the FMR for the spaces published for the Existing Housing Program. (For currently effective FMRs for the Existing Housing Program, see **Federal Register** documents published on July 5, 1984 (49 FR 27658); April 16, 1985 (50 FR 14922); and April 25, 1985 50 FR 16229.)

BILLING CODE 4210-27-M

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 1

BOSTON REGIONAL OFFICE

MARKET: BOSTON	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			764	980	1066
SEMI-DETACHED/ROW	638	643	754	891	987
WALKUP	555	627	751	829	940
ELEVATOR 2-4 STY	575	699	807	1048	1196
ELEVATOR 5+ STY	575	699	807	1128	1245
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: WORCESTER	NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+	
		709	906	983	
565	570	701	818	938	
509	542	680	771	886	
520	597	715			
545	629	752			
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: FALL RIVER	NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+	
		732	880	896	
562	567	717	869	880	
528	547	677	775	813	
546	567	692			
548	597	723			
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

PREPARED ON 021286

HARTFORD OFFICE

MARKET: HARTFORD	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			676	752	774
SEMI-DETACHED/ROW	545	559	644	730	752
WALKUP	464	538	612	691	713
ELEVATOR 2-4 STY	470	546	616		
ELEVATOR 5+ STY	486	594	684		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: NEW HAVEN	NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+	
		657	742	793	
536	541	609	717	771	
463	518	587	668	691	
475	533	624			
493	588	695			
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: NEW LONDON	NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+	
		654	730	762	
480	485	621	693	738	
433	465	611	687	711	
436	479	634			
462	530	654			
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: NEW MILFORD	NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+	
		610	680	698	
520	525	605	675	693	
436	506	575	648	670	
441	513	579			
456	558	643			
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: WINDHAM	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			561	621	644
SEMI-DETACHED/ROW	473	478	535	599	624
WALKUP	392	456	511	567	584
ELEVATOR 2-4 STY	415	474	522		
ELEVATOR 5+ STY	432	503	574		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: BRIDGEPORT	NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+	
		656	700	731	
537	542	625	677	708	
450	521	591	657	680	
456	545	598			
474	576	664			
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: RIDGEFIELD	NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+	
		761	815	844	
624	629	725	793	821	
521	606	689	771	794	
530	615	696			
546	668	769			
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: NORWICH	NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+	
		610	680	698	
529	534	605	675	693	
444	517	587	649	669	
451	524	592			
467	561	654			
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

PREPARED ON 021286

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 1

MANCHESTER OFFICE

	MARKET: MAINE STATEWIDE NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED		556	627	715	830
SEMI-DETACHED/ROW	437	513	586	674	781
WALKUP	392	476	558	633	714
ELEVATOR 2-4 STY	438	524	660		
ELEVATOR 5+ STY	487	585	734		
MANUFACTURED HOME					
EFFECTIVE DATE			100185		
TRENDED DATE			100187		

	MARKET: VERMONT STATE NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+	
	575	674	757	855	
479	538	634	711	803	
429	502	597	673	742	
487	556	659			
540	616	732			
EFFECTIVE DATE			100185		
TRENDED DATE			100187		

	MARKET: NEW HAMPSHIRE ST. NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+	
	554	620	714	830	
470	524	590	676	784	
415	466	535	609	693	
438	531	611			
487	589	679			
EFFECTIVE DATE			100185		
TRENDED DATE			100187		

PREPARED ON 021286

PROVIDENCE OFFICE

	MARKET: PROVIDENCE NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			680	792	886
SEMI-DETACHED/ROW	413	496	577	639	690
WALKUP	371	484	558	628	674
ELEVATOR 2-4 STY	376	499	648		
ELEVATOR 5+ STY	381	504	655		
MANUFACTURED HOME					
EFFECTIVE DATE			100185		
TRENDED DATE			100187		

PREPARED ON 021286

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 2

BUFFALO OFFICE

MARKET: BUFFALO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			566	640	722
SEMI-DETACHED/ROW	406	426	497	584	675
WALKUP	324	383	461	541	576
ELEVATOR 2-4 STY	425	467	619		
ELEVATOR 5+ STY	462	504	656		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ELMIRA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			534	618	685
SEMI-DETACHED/ROW	334	388	487	576	642
WALKUP	290	335	441	546	619
ELEVATOR 2-4 STY	356	434	557		
ELEVATOR 5+ STY	392	470	593		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: JAMESTOWN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			559	628	704
SEMI-DETACHED/ROW	411	438	509	584	667
WALKUP	337	397	471	541	625
ELEVATOR 2-4 STY	413	487	598		
ELEVATOR 5+ STY	450	524	634		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ROCHESTER

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			546	611	678
SEMI-DETACHED/ROW	427	430	502	584	660
WALKUP	332	386	464	526	593
ELEVATOR 2-4 STY	428	487	584		
ELEVATOR 5+ STY	465	524	624		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ALBANY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			537	649	719
SEMI-DETACHED/ROW	391	396	474	576	638
WALKUP	337	385	452	532	603
ELEVATOR 2-4 STY	337	415	525		
ELEVATOR 5+ STY	367	454	566		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: PLATTSBURGH

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			546	644	711
SEMI-DETACHED/ROW	456	461	502	580	647
WALKUP	362	397	459	537	612
ELEVATOR 2-4 STY	403	477	580		
ELEVATOR 5+ STY	440	515	622		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SYRACUSE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			554	638	730
SEMI-DETACHED/ROW	404	409	486	585	657
WALKUP	319	382	466	532	612
ELEVATOR 2-4 STY	319	425	538		
ELEVATOR 5+ STY	359	463	578		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: BINGHAMTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			534	644	712
SEMI-DETACHED/ROW	388	393	474	567	630
WALKUP	335	383	450	528	597
ELEVATOR 2-4 STY	335	417	530		
ELEVATOR 5+ STY	372	443	569		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

PREPARED ON 021286

NEW YORK REGIONAL OFFICE

MARKET: NEW YORK CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	641	646	890	1056	1290
WALKUP	580	606	826	988	1194
ELEVATOR 2-4 STY	620	797	852	1074	1261
ELEVATOR 5+ STY	808	984	1093	1388	1586
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SUFFOLK

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			785	952	1061
SEMI-DETACHED/ROW	594	629	745	779	928
WALKUP	476	555	668	728	804
ELEVATOR 2-4 STY	612	719	876		
ELEVATOR 5+ STY	661	737	921		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: WESTCHESTER

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			891	1041	1140
SEMI-DETACHED/ROW	632	637	746	919	1000
WALKUP	498	594	711	859	943
ELEVATOR 2-4 STY	616	705	866	1013	
ELEVATOR 5+ STY	667	792	922		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ORANGE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			651	739	806
SEMI-DETACHED/ROW	459	464	589	701	767
WALKUP	333	460	558	655	724
ELEVATOR 2-4 STY	536	580	733		
ELEVATOR 5+ STY	576	659	805		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ROCKLAND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			881	956	1027
SEMI-DETACHED/ROW	547	631	786	915	993
WALKUP	468	594	742	862	954
ELEVATOR 2-4 STY	530	638	792		
ELEVATOR 5+ STY	579	690	834		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: NASSAU

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			941	1074	1180
SEMI-DETACHED/ROW	662	667	861	976	1082
WALKUP	516	642	779	895	991
ELEVATOR 2-4 STY	531	657	817		
ELEVATOR 5+ STY	537	754	871		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: PUTNAM

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			821	944	1027
SEMI-DETACHED/ROW	548	553	704	845	922
WALKUP	447	524	604	756	877
ELEVATOR 2-4 STY	628	711	778		
ELEVATOR 5+ STY	672	773	859		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: POUGHKEEPSIE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			683	798	911
SEMI-DETACHED/ROW	469	499	594	683	750
WALKUP	398	475	592	634	704
ELEVATOR 2-4 STY	605	707	814		
ELEVATOR 5+ STY	633	734	879		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

PREPARED ON 021286

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 2

NEWARK OFFICE

MARKET: NEWARK

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			1086	1213	1290
SEMI-DETACHED/ROW	614	683	866	1004	1092
WALKUP	540	604	774	899	984
ELEVATOR 2-4 STY	624	694	884	1030	1112
ELEVATOR 5+ STY	701	786	1003	1175	1266
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: NORTH BERGEN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			1079	1207	1283
SEMI-DETACHED/ROW	674	742	861	998	1085
WALKUP	598	661	767	891	977
ELEVATOR 2-4 STY	681	751	877	1022	1105
ELEVATOR 5+ STY	759	844	997	1168	1259
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: FREEHOLD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			999	1124	1203
SEMI-DETACHED/ROW	605	674	783	917	1004
WALKUP	531	592	693	810	898
ELEVATOR 2-4 STY	612	682	796	942	1023
ELEVATOR 5+ STY	690	775	915	1086	1180
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: CAMDEN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			952	1073	1147
SEMI-DETACHED/ROW	583	588	718	873	954
WALKUP	434	503	618	765	856
ELEVATOR 2-4 STY	559	627	763	915	996
ELEVATOR 5+ STY	638	719	896	1061	1150
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ATLANTIC CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			917	1038	1099
SEMI-DETACHED/ROW	610	615	700	835	919
WALKUP	489	547	620	742	820
ELEVATOR 2-4 STY	589	656	739	879	958
ELEVATOR 5+ STY	667	749	859	1023	1114
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: BURLINGTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			952	1073	1147
SEMI-DETACHED/ROW	580	588	736	873	954
WALKUP	461	519	656	778	856
ELEVATOR 2-4 STY	560	627	775	915	996
ELEVATOR 5+ STY	638	719	896	1061	1150
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: GLOUCESTER

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			952	1073	1147
SEMI-DETACHED/ROW	536	588	726	873	954
WALKUP	444	517	624	775	856
ELEVATOR 2-4 STY	560	627	773	915	996
ELEVATOR 5+ STY	638	719	896	1061	1150
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: TRENTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			972	1092	1166
SEMI-DETACHED/ROW	643	661	754	891	973
WALKUP	503	573	675	797	876
ELEVATOR 2-4 STY	628	702	795	934	1014
ELEVATOR 5+ STY	718	801	914	1079	1171
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: VINELAND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			835	956	1030
SEMI-DETACHED/ROW	523	542	620	754	837
WALKUP	387	462	538	661	739
ELEVATOR 2-4 STY	517	589	659	798	878
ELEVATOR 5+ STY	602	682	778	943	1034
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ASBURY PARK

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			958	1085	1161
SEMI-DETACHED/ROW	554	622	740	877	966
WALKUP	477	540	646	771	857
ELEVATOR 2-4 STY	561	631	757	902	983
ELEVATOR 5+ STY	638	730	876	1046	1140
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

PREPARED ON 021286

CARIBBEAN OFFICE

MARKET: SAN JUAN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			511	572	628
SEMI-DETACHED/ROW	405	410	491	550	577
WALKUP	337	388	458	519	570
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: MAYAGUEZ

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			485	570	638
SEMI-DETACHED/ROW	425	430	475	561	637
WALKUP	321	381	428	487	560
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY	360	408	507	584	629
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: PONCE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			473	555	601
SEMI-DETACHED/ROW	426	431	468	550	596
WALKUP	321	381	425	487	560
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY	360	408	507	584	629
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ARECIBO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			485	570	638
SEMI-DETACHED/ROW	425	430	475	561	637
WALKUP	321	381	428	487	560
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY	360	408	507	584	629
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ST. CROIX

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			630	688	799
SEMI-DETACHED/ROW	403	471	553	639	728
WALKUP	343	403	491	552	615
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ST. THOMAS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			667	729	822
SEMI-DETACHED/ROW	456	499	571	658	747
WALKUP	365	422	515	575	645
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: OLD SAN JUAN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	635	640	711	734	875
WALKUP	532	589	662	728	791
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

PREPARED ON 021286

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 3

BALTIMORE OFFICE

	MARKET: BALTIMORE NUMBER OF BEDROOMS					MARKET: HAGERSTOWN NUMBER OF BEDROOMS					MARKET: SALISBURY NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			705	796	935			644	716	826			599	661	775
SEMI-DETACHED/ROW	423	495	571	677	876	411	460	538	626	812	418	423	487	564	726
WALKUP	382	490	563	672	755	351	455	533	621	665	323	418	481	558	628
ELEVATOR 2-4 STY	413	516	611			376	473	538			334	458	501		
ELEVATOR 5+ STY	456	563	687			432	521	652			369	481	612		
MANUFACTURED HOME															
EFFECTIVE DATE	100185					100185					100185				
TRENDED DATE	100187					100187					100187				

PREPARED ON 021286

CHARLESTON OFFICE

	MARKET: CHARLESTON NUMBER OF BEDROOMS					MARKET: BLUEFIELD NUMBER OF BEDROOMS					MARKET: HUNTINGTON NUMBER OF BEDROOMS					MARKET: PARKERSBURG NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			525	623	707			499	553	615			478	577	628			448	517	568
SEMI-DETACHED/ROW	357	388	502	608	702	304	371	461	517	556	309	377	468	545	602	294	356	421	488	537
WALKUP	304	388	487	498	562	291	360	420	469	516	245	367	465	520	569	277	345	396	463	510
ELEVATOR 2-4 STY	398	489	552	.		395	469	525			373	443	532			384	463	561		
ELEVATOR 5+ STY	409	496	558			402	475	533			379	450	537			393	469	568		
MANUFACTURED HOME																				
EFFECTIVE DATE	100185					100185					100185					100185				
TRENDED DATE	100187					100187					100187					100187				

	MARKET: WHEELING NUMBER OF BEDROOMS					MARKET: MARTINSBURG NUMBER OF BEDROOMS					MARKET: FAIRMONT NUMBER OF BEDROOMS					MARKET: POINT PLEASANT NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			492	545	610			464	545	610			520	577	646			447	515	562
SEMI-DETACHED/ROW	303	356	459	531	586	282	343	429	514	586	385	434	490	553	620	283	333	417	485	534
WALKUP	275	351	448	492	536	265	320	425	492	556	323	403	471	520	572	242	329	409	456	507
ELEVATOR 2-4 STY	369	441	535			418	460	511			441	485	540			382	456	511		
ELEVATOR 5+ STY	374	448	540			425	465	518			449	491	546			387	465	519		
MANUFACTURED HOME																				
EFFECTIVE DATE	100185					100185					100185					100185				
TRENDED DATE	100187					100187					100187					100187				

PREPARED ON 021286

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 3

PHILADELPHIA REGIONAL OFFICE

MARKET: PHILADELPHIA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	566	571	715	848	927
WALKUP	448	504	637	745	826
ELEVATOR 2-4 STY	544	609	736		
ELEVATOR 5+ STY	620	672	793		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ALLENTOWN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	472	477	594	695	767
WALKUP	407	449	559	653	729
ELEVATOR 2-4 STY	481	507	595		
ELEVATOR 5+ STY	495	543	666		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: BELLEFONTE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	480	483	591	666	746
WALKUP	384	470	550	650	699
ELEVATOR 2-4 STY	418	488	606		
ELEVATOR 5+ STY	465	524	647		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: HARRISBURG

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	482	487	536	683	746
WALKUP	384	449	519	640	697
ELEVATOR 2-4 STY	436	506	559		
ELEVATOR 5+ STY	472	547	606		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: LANCASTER

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	448	453	557	685	711
WALKUP	374	437	545	657	684
ELEVATOR 2-4 STY	454	525	682		
ELEVATOR 5+ STY	477	548	705		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: YORK

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	448	453	557	695	711
WALKUP	374	437	545	657	684
ELEVATOR 2-4 STY	454	525	682		
ELEVATOR 5+ STY	477	548	705		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: READING

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	472	477	571	687	764
WALKUP	380	458	548	648	711
ELEVATOR 2-4 STY	434	512	594		
ELEVATOR 5+ STY	470	562	659		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SCRANTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	444	506	588	668	731
WALKUP	412	465	559	641	711
ELEVATOR 2-4 STY	476	553	624		
ELEVATOR 5+ STY	506	589	664		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: WELLSBORO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	391	483	591	668	746
WALKUP	384	470	550	650	699
ELEVATOR 2-4 STY	418	488	606		
ELEVATOR 5+ STY	465	524	647		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

PREPARED ON 021286

PITTSBURGH OFFICE

MARKET: PITTSBURGH

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			640	711	833
SEMI-DETACHED/ROW	462	548	609	687	803
WALKUP	405	483	580	687	803
ELEVATOR 2-4 STY	497	556	640		
ELEVATOR 5+ STY	512	579	681		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ERIE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			599	666	779
SEMI-DETACHED/ROW	432	519	570	634	742
WALKUP	345	426	505	587	657
ELEVATOR 2-4 STY	487	540	628		
ELEVATOR 5+ STY	508	557	674		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ALTOONA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			521	627	757
SEMI-DETACHED/ROW	352	424	511	597	721
WALKUP	334	412	506	582	669
ELEVATOR 2-4 STY	487	545	577		
ELEVATOR 5+ STY	497	562	614		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: JOHNSTOWN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			536	637	762
SEMI-DETACHED/ROW	368	436	510	600	726
WALKUP	337	416	500	575	656
ELEVATOR 2-4 STY	452	486	582		
ELEVATOR 5+ STY	461	522	613		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

PREPARED ON 021286

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 3

RICHMOND OFFICE

	MARKET: NORTON NUMBER OF BEDROOMS					MARKET: HARRISONBURG NUMBER OF BEDROOMS					MARKET: NEWPORT NEWS NUMBER OF BEDROOMS					MARKET: NORFOLK NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED																				
SEMI-DETACHED/ROW	340	351	422	511	569	360	392	456	526	596	386	391	450	561	610	413	418	499	561	614
WALKUP	259	321	407	506	558	306	364	451	521	579	307	348	420	502	560	359	404	478	561	607
ELEVATOR 2-4 STY	292	354	440			339	397	485			340	380	452			392	437	511		
ELEVATOR 5+ STY	320	398	526			385	456	605			459	519	633			458	558	690		
MANUFACTURED HOME																				
EFFECTIVE DATE	100185					EFFECTIVE DATE	100185				EFFECTIVE DATE	100185				EFFECTIVE DATE	100185			
TRENDED DATE	100187					TRENDED DATE	100187				TRENDED DATE	100187				TRENDED DATE	100187			

	MARKET: CHARLOTTESVILLE NUMBER OF BEDROOMS					MARKET: RICHMOND NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED										
SEMI-DETACHED/ROW	433	438	518	612	650	399	404	469	548	596
WALKUP	360	407	488	542	603	329	385	460	542	591
ELEVATOR 2-4 STY	393	440	521			362	417	492		
ELEVATOR 5+ STY	434	526	662			409	498	643		
MANUFACTURED HOME										
EFFECTIVE DATE	100185					EFFECTIVE DATE	100185			
TRENDED DATE	100187					TRENDED DATE	100187			

PREPARED ON 021286

WASHINGTON D.C. OFFICE

	MARKET: WASHINGTON D.C. NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	543	610	668	743	838
WALKUP	437	517	588	681	760
ELEVATOR 2-4 STY	472	569	734		
ELEVATOR 5+ STY	529	609	790		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

PREPARED ON 021286

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 3

WILMINGTON

	MARKET: WILMINGTON, DEL NUMBER OF BEDROOMS					MARKET: DOVER, DEL NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			615	773	808			589	705	798
SEMI-DETACHED/ROW	444	449	548	659	723	407	412	496	610	665
WALKUP	371	430	507	590	632	363	392	445	531	573
ELEVATOR 2-4 STY	409	478	603			369	453	536		
ELEVATOR 5+ STY	435	555	615			392	500	595		
MANUFACTURED HOME										
EFFECTIVE DATE	100185					100185				
TRENDED DATE	100187					100187				

PREPARED ON 021286

REGION 4

ATLANTA REGIONAL OFFICE

	MARKET: ATLANTA NUMBER OF BEDROOMS					MARKET: ALBANY NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED								460	527	560
SEMI-DETACHED/ROW	435	465	527	636	676	314	351	410	477	521
WALKUP	424	450	515	623	662	303	340	400	467	510
ELEVATOR 2-4 STY	451	477	541			328	365	425		
ELEVATOR 5+ STY	505	538	616			378	415	475		
MANUFACTURED HOME										
EFFECTIVE DATE	100185					100185				
TRENDED DATE	100187					100187				

	MARKET: AUGUSTA NUMBER OF BEDROOMS					MARKET: BRUNSWICK NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			432	507	551			469	552	587
SEMI-DETACHED/ROW	329	364	408	487	523	340	379	431	500	557
WALKUP	319	349	394	471	511	329	367	426	489	534
ELEVATOR 2-4 STY	347	376	421			357	394	454		
ELEVATOR 5+ STY	387	419	484			409	445	508		
MANUFACTURED HOME										
EFFECTIVE DATE	100185					100185				
TRENDED DATE	100187					100187				

	MARKET: COLUMBUS NUMBER OF BEDROOMS					MARKET: MACON NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			440	538	580			450	487	541
SEMI-DETACHED/ROW	318	354	396	507	545	341	374	419	464	521
WALKUP	304	340	383	495	533	337	357	408	449	500
ELEVATOR 2-4 STY	331	368	409			366	386	433		
ELEVATOR 5+ STY	386	425	463			417	449	483		
MANUFACTURED HOME										
EFFECTIVE DATE	100185					100185				
TRENDED DATE	100187					100187				

	MARKET: ROME NUMBER OF BEDROOMS					MARKET: SAVANNAH NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			400	472	508			501	581	617
SEMI-DETACHED/ROW	264	304	348	419	466	351	387	466	528	572
WALKUP	253	293	348	407	454	338	374	453	516	561
ELEVATOR 2-4 STY	279	320	374			365	405	479		
ELEVATOR 5+ STY	332	372	428			417	458	532		
EFFECTIVE DATE	100185					100185				
TRENDED DATE	100187					100187				

	MARKET: VALDOSTA NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			422	483	553
SEMI-DETACHED/ROW	294	333	397	475	521
WALKUP	283	315	387	452	509
ELEVATOR 2-4 STY	309	348	415		
ELEVATOR 5+ STY	360	400	465		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

PREPARED ON 021286

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

BIRMINGHAM OFFICE

MARKET: BIRMINGHAM

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			582	745	826
SEMI-DETACHED/ROW	355	361	429	519	556
WALKUP	319	355	416	500	538
ELEVATOR 2-4 STY	330	373	440		
ELEVATOR 5+ STY	342	392	466		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: DOTHAN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			491	629	707
SEMI-DETACHED/ROW	315	345	398	473	516
WALKUP	306	338	389	455	498
ELEVATOR 2-4 STY	319	356	413		
ELEVATOR 5+ STY	331	356	438		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: FLORENCE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			546	699	786
SEMI-DETACHED/ROW	319	344	408	497	537
WALKUP	299	338	396	477	523
ELEVATOR 2-4 STY	312	351	418		
ELEVATOR 5+ STY	325	363	430		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: HUNTSVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			544	689	785
SEMI-DETACHED/ROW	373	378	451	533	579
WALKUP	315	372	445	519	571
ELEVATOR 2-4 STY	361	401	484		
ELEVATOR 5+ STY	372	420	508		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: MOBILE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			527	674	756
SEMI-DETACHED/ROW	338	365	435	521	559
WALKUP	312	353	424	501	545
ELEVATOR 2-4 STY	334	371	449		
ELEVATOR 5+ STY	346	389	472		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: MONTGOMERY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			508	647	726
SEMI-DETACHED/ROW	343	348	442	524	575
WALKUP	318	342	424	519	568
ELEVATOR 2-4 STY	330	361	448		
ELEVATOR 5+ STY	341	379	473		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: TUSCALOOSA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			546	696	778
SEMI-DETACHED/ROW	366	371	431	536	572
WALKUP	329	366	418	518	557
ELEVATOR 2-4 STY	350	384	442		
ELEVATOR 5+ STY	363	402	467		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

PREPARED ON 021286

COLUMBIA OFFICE

MARKET: GREENVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED		458	516	600	649
SEMI-DETACHED/ROW	370	428	481	565	609
WALKUP	360	418	466	550	589
ELEVATOR 2-4 STY	454	521	591		
ELEVATOR 5+ STY	478	545	616		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: GREENWOOD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED		410	464	518	561
SEMI-DETACHED/ROW	331	383	433	489	528
WALKUP	322	375	420	477	512
ELEVATOR 2-4 STY	414	475	529		
ELEVATOR 5+ STY	436	497	551		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: MYRTLE BEACH

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED		443	567	669	719
SEMI-DETACHED/ROW	362	425	548	643	692
WALKUP	353	416	523	626	670
ELEVATOR 2-4 STY	448	520	642		
ELEVATOR 5+ STY	471	543	666		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ORANGEBURG

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED		416	468	523	574
SEMI-DETACHED/ROW	322	400	452	508	559
WALKUP	314	392	441	497	544
ELEVATOR 2-4 STY	399	484	537		
ELEVATOR 5+ STY	419	492	556		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ROCKHILL

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED		484	545	614	672
SEMI-DETACHED/ROW	392	462	527	594	650
WALKUP	382	445	509	578	630
ELEVATOR 2-4 STY	443	502	606		
ELEVATOR 5+ STY	467	527	630		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: COLUMBIA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED		489	563	630	689
SEMI-DETACHED/ROW	385	468	545	609	667
WALKUP	375	458	521	593	646
ELEVATOR 2-4 STY	454	521	611		
ELEVATOR 5+ STY	478	545	636		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: AIKEN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED		466	521	567	620
SEMI-DETACHED/ROW	375	447	502	547	602
WALKUP	365	437	489	534	582
ELEVATOR 2-4 STY	443	502	602		
ELEVATOR 5+ STY	467	527	624		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ANDERSON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED		444	496	561	614
SEMI-DETACHED/ROW	326	378	413	489	528
WALKUP	318	369	401	477	512
ELEVATOR 2-4 STY	407	467	504		
ELEVATOR 5+ STY	429	489	525		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: BEAUFORT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED		505	580	669	719
SEMI-DETACHED/ROW	415	484	560	647	698
WALKUP	404	467	539	626	670
ELEVATOR 2-4 STY	467	534	642		
ELEVATOR 5+ STY	491	558	666		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: CHARLESTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED		481	582	663	714
SEMI-DETACHED/ROW	382	461	561	635	684
WALKUP	371	451	539	620	664
ELEVATOR 2-4 STY	467	534	642		
ELEVATOR 5+ STY	491	558	666		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: FLORENCE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED		435	488	546	599
SEMI-DETACHED/ROW	337	418	472	530	583
WALKUP	328	410	460	518	567
ELEVATOR 2-4 STY	418	502	562		
ELEVATOR 5+ STY	439	527	582		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SPARTANBURG

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED		429	465	547	592
SEMI-DETACHED/ROW	347	401	434	515	556
WALKUP	337	392	421	502	538
ELEVATOR 2-4 STY	434	498	531		
ELEVATOR 5+ STY	457	521	553		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: NORTH AUGUSTA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED		466	521	567	620
SEMI-DETACHED/ROW	378	447	502	547	602
WALKUP	368	437	489	534	582
ELEVATOR 2-4 STY	443	502	499		
ELEVATOR 5+ STY	467	527	624		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

PREPARED ON 021286

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

GREENSBORO OFFICE

MARKET: GREENSBORO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			472	539	639
SEMI-DETACHED/ROW	381	386	461	507	609
WALKUP	327	381	456	502	605
ELEVATOR 2-4 STY	348	415	482		
ELEVATOR 5+ STY	496	533	645		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ASHEVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			451	550	629
SEMI-DETACHED/ROW	364	369	434	528	609
WALKUP	310	364	419	523	604
ELEVATOR 2-4 STY	345	398	453		
ELEVATOR 5+ STY	451	507	599		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: CHARLOTTE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			513	596	668
SEMI-DETACHED/ROW	403	408	483	559	645
WALKUP	345	403	478	554	640
ELEVATOR 2-4 STY	369	431	512		
ELEVATOR 5+ STY	498	534	640		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: DURHAM

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			504	579	680
SEMI-DETACHED/ROW	379	384	473	568	649
WALKUP	356	379	468	562	644
ELEVATOR 2-4 STY	389	413	500		
ELEVATOR 5+ STY	495	538	655		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: GREENVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			438	504	599
SEMI-DETACHED/ROW	330	352	424	482	557
WALKUP	284	348	418	477	552
ELEVATOR 2-4 STY	315	369	439		
ELEVATOR 5+ STY	425	493	591		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: RALEIGH

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			508	605	707
SEMI-DETACHED/ROW	423	428	499	595	638
WALKUP	356	422	493	550	632
ELEVATOR 2-4 STY	384	443	515		
ELEVATOR 5+ STY	539	606	719		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: WINSTON-SALEM

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			460	547	651
SEMI-DETACHED/ROW	360	371	434	508	588
WALKUP	302	369	429	503	582
ELEVATOR 2-4 STY	330	391	458		
ELEVATOR 5+ STY	474	507	608		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: FAYETTEVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			437	511	586
SEMI-DETACHED/ROW	340	345	409	476	547
WALKUP	301	344	405	471	542
ELEVATOR 2-4 STY	331	376	439		
ELEVATOR 5+ STY	416	467	555		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: WILMINGTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			452	534	607
SEMI-DETACHED/ROW	356	361	434	493	559
WALKUP	306	356	429	488	559
ELEVATOR 2-4 STY	337	376	450		
ELEVATOR 5+ STY	442	491	590		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ELIZABETH CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			468	555	667
SEMI-DETACHED/ROW	310	328	415	505	594
WALKUP	277	323	409	500	589
ELEVATOR 2-4 STY	302	369	467		
ELEVATOR 5+ STY	463	540	657		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

PREPARED ON 021286

JACKSON OFFICE

MARKET: JACKSON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			497	599	679
SEMI-DETACHED/ROW	363	394	491	580	654
WALKUP	345	394	445	527	589
ELEVATOR 2-4 STY	451	524	614		
ELEVATOR 5+ STY	462	538	631		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: CORINTH

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			406	515	594
SEMI-DETACHED/ROW	284	332	395	497	575
WALKUP	269	322	390	490	556
ELEVATOR 2-4 STY	365	460	532		
ELEVATOR 5+ STY	377	474	549		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: GREENVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			492	521	598
SEMI-DETACHED/ROW	363	402	466	505	588
WALKUP	327	371	444	470	541
ELEVATOR 2-4 STY	422	471	591		
ELEVATOR 5+ STY	434	485	608		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: GREENWOOD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			457	495	582
SEMI-DETACHED/ROW	339	384	442	473	572
WALKUP	302	356	419	439	504
ELEVATOR 2-4 STY	434	494	555		
ELEVATOR 5+ STY	449	510	569		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: GULFPORT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			462	541	620
SEMI-DETACHED/ROW	381	396	456	534	572
WALKUP	315	365	415	507	567
ELEVATOR 2-4 STY	468	541	617		
ELEVATOR 5+ STY	480	555	634		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: HATTIESBURG

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			445	528	604
SEMI-DETACHED/ROW	311	364	428	504	575
WALKUP	273	338	410	463	516
ELEVATOR 2-4 STY	390	439	534		
ELEVATOR 5+ STY	401	453	551		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SOUTHAVEN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			485	561	639
SEMI-DETACHED/ROW	328	405	467	547	629
WALKUP	315	387	462	535	602
ELEVATOR 2-4 STY	429	475	578		
ELEVATOR 5+ STY	437	488	595		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

PREPARED ON 021286

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

JACKSONVILLE OFFICE

MARKET: JACKSONVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			566	662	700
SEMI-DETACHED/ROW	400	460	543	602	658
WALKUP	359	406	505	590	651
ELEVATOR 2-4 STY	423	471	590		
ELEVATOR 5+ STY	475	525	662		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: PENSACOLA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		526	585	684
377	422	496	554	610
320	363	443	520	576
370	425	513		
418	479	572		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: KEY WEST

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		707	781	860
525	586	650	739	820
422	482	569	678	739
490	541	673		
556	619	769		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: MIAMI .

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		70?	781	860
525	586	650	739	820
422	482	569	678	739
490	541	673		
556	619	769		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: TAMPA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			541	615	730
SEMI-DETACHED/ROW	408	467	536	603	675
WALKUP	362	414	497	590	644
ELEVATOR 2-4 STY	453	508	623		
ELEVATOR 5+ STY	534	593	713		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ORLANDO

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		618	690	734
396	454	559	624	696
370	429	507	575	647
454	517	630		
527	588	696		

EFFECTIVE DATE 100185
TRENDED DATE 100187

PREPARED ON 021286

LOUISVILLE OFFICE

MARKET: LOUISVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			546	620	695
SEMI-DETACHED/ROW	430	456	523	588	657
WALKUP	376	410	482	559	609
ELEVATOR 2-4 STY	409	443	513		
ELEVATOR 5+ STY	491	538	642		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: COVINGTON

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		520	622	715
410	425	488	569	655
348	388	441	543	603
416	450	512		
487	544	632		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: OWENSBORO

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		519	614	684
372	399	480	567	631
321	364	435	510	566
409	430	513		
453	513	617		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: PADUCAH

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		519	615	686
372	399	480	567	631
321	364	435	510	566
409	443	513		
452	511	616		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: PIKEVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			571	651	714
SEMI-DETACHED/ROW	430	448	534	604	664
WALKUP	381	424	488	559	610
ELEVATOR 2-4 STY	427	457	548		
ELEVATOR 5+ STY	492	539	655		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

PREPARED ON 021286

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

KNOXVILLE OFFICE

MARKET: KNOXVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			450	525	560
SEMI-DETACHED/ROW	355	390	435	515	550
WALKUP	340	365	425	505	540
ELEVATOR 2-4 STY	365	385	450		
ELEVATOR 5+ STY	385	410	460		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: CHATTANOOGA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		461	545	582
410	413	450	530	567
375	402	434	519	556
402	424	461		
424	450	487		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: JOHNSON CITY

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		440	510	545
335	360	430	500	530
325	345	420	480	520
360	380	440		
380	405	465		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: KINGSPORT

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		440	510	545
335	360	430	500	530
330	350	420	465	500
360	380	440		
380	405	465		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: OAKRIDGE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			450	525	560
SEMI-DETACHED/ROW	355	390	435	515	550
WALKUP	340	365	425	505	540
ELEVATOR 2-4 STY	365	385	450		
ELEVATOR 5+ STY	385	410	460		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

PREPARED ON 021286

NASHVILLE OFFICE

MARKET: NASHVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			478	558	599
SEMI-DETACHED/ROW	366	406	462	545	588
WALKUP	334	387	454	539	582
ELEVATOR 2-4 STY	345	406	462		
ELEVATOR 5+ STY	352	421	478		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187
NO MARKET CODE MATCH IN PRT 44306

MARKET: CLARKSVILLE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		430	516	558
315	349	419	502	545
287	328	414	486	539
310	355	419		
316	376	438		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: COLUMBIA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		405	500	548
300	323	382	493	527
268	316	371	478	521
275	334	379		
286	358	414		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: MEMPHIS

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		430	483	565
310	353	410	459	524
277	310	362	436	469
323	387	456		
363	429	498		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: JACKSON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			410	478	560
SEMI-DETACHED/ROW	287	328	385	444	517
WALKUP	269	310	374	433	493
ELEVATOR 2-4 STY	315	355	445		
ELEVATOR 5+ STY	335	393	485		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

PREPARED ON 021286

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

CHICAGO REGIONAL OFFICE

	MARKET: CHICAGO NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			762	905	1044
SEMI-DETACHED/ROW	551	619	699	821	910
WALKUP	467	539	644	772	810
ELEVATOR 2-4 STY	499	587	692	822	824
ELEVATOR 5+ STY	540	676	804	834	882
MANUFACTURED HOME					
EFFECTIVE DATE					100185
TRENDED DATE					100187

	MARKET: BELLEVILLE NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			646	732	815
	405	457	547	636	742
	370	443	519	586	647
	403	476	555		
	475	522	606		
EFFECTIVE DATE					100185
TRENDED DATE					100187

	MARKET: MOLINE NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			666	815	904
	439	476	587	716	803
	391	455	539	675	714
	414	483	572		
	467	532	655		
EFFECTIVE DATE					100185
TRENDED DATE					100187

	MARKET: SPRINGFIELD NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			665	768	871
	377	429	520	607	704
	343	405	484	575	657
	370	441	534		
	439	490	580		
EFFECTIVE DATE					100185
TRENDED DATE					100187

	MARKET: EAST ST. LOUIS NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			546	643	724
SEMI-DETACHED/ROW	391	441	506	581	668
WALKUP	349	403	479	545	606
ELEVATOR 2-4 STY	371	430	519		
ELEVATOR 5+ STY	449	509	597		
MANUFACTURED HOME					
EFFECTIVE DATE					100185
TRENDED DATE					100187

PREPARED ON 021286

CINCINNATI OFFICE

	MARKET: CINCINNATI NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			679	840	875
SEMI-DETACHED/ROW	418	482	548	658	724
WALKUP	337	397	500	569	657
ELEVATOR 2-4 STY	371	496	591		
ELEVATOR 5+ STY	517	608	692		
MANUFACTURED HOME					
EFFECTIVE DATE					100185
TRENDED DATE					100187

	MARKET: DAYTON NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			596	773	855
	410	415	482	577	650
	324	404	473	541	605
	378	501	599		
	523	614	664		
EFFECTIVE DATE					100185
TRENDED DATE					100187

PREPARED ON 021286

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

CLEVELAND OFFICE

MARKET: CLEVELAND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			717	786	851
SEMI-DETACHED/ROW	487	509	576	658	699
WALKUP	365	420	487	568	642
ELEVATOR 2-4 STY	374	444	554		
ELEVATOR 5+ STY	428	453	568		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: AKRON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			697	771	795
SEMI-DETACHED/ROW	469	492	562	643	684
WALKUP	360	410	482	565	612
ELEVATOR 2-4 STY	357	400	451		
ELEVATOR 5+ STY	365	428	485		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: FINDLAY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			587	666	723
SEMI-DETACHED/ROW	386	417	464	563	603
WALKUP	321	347	407	496	550
ELEVATOR 2-4 STY	321	347	453		
ELEVATOR 5+ STY	367	421	518		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: LORAIN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			587	665	733
SEMI-DETACHED/ROW	375	380	450	526	566
WALKUP	275	302	371	466	505
ELEVATOR 2-4 STY	347	365	434		
ELEVATOR 5+ STY	365	370	452		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: MANSFIELD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			588	639	707
SEMI-DETACHED/ROW	435	440	486	559	622
WALKUP	322	346	393	488	525
ELEVATOR 2-4 STY	355	390	466		
ELEVATOR 5+ STY	361	415	476		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: TOLEDO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			661	733	815
SEMI-DETACHED/ROW	413	459	525	602	642
WALKUP	340	378	447	545	579
ELEVATOR 2-4 STY	362	393	481		
ELEVATOR 5+ STY	397	402	490		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: YOUNGSTOWN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			582	649	655
SEMI-DETACHED/ROW	396	401	464	541	557
WALKUP	288	325	386	484	528
ELEVATOR 2-4 STY	323	340	424		
ELEVATOR 5+ STY	330	348	432		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

PREPARED ON 021286

COLUMBUS OFFICE

MARKET: COLUMBUS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			513	628	638
SEMI-DETACHED/ROW	363	393	453	526	575
WALKUP	311	382	444	505	566
ELEVATOR 2-4 STY	346	422	502		
ELEVATOR 5+ STY	392	474	565		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: ATHENS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			474	549	609
SEMI-DETACHED/ROW	267	353	414	469	519
WALKUP	266	333	402	447	497
ELEVATOR 2-4 STY	297	375	441		
ELEVATOR 5+ STY	337	425	445		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: LIMA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			492	571	619
SEMI-DETACHED/ROW	253	358	403	491	529
WALKUP	238	305	402	447	497
ELEVATOR 2-4 STY	269	347	462		
ELEVATOR 5+ STY	329	397	522		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: NEWARK

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			507	577	647
SEMI-DETACHED/ROW	297	335	447	497	557
WALKUP	255	322	427	491	541
ELEVATOR 2-4 STY	296	364	485		
ELEVATOR 5+ STY	336	414	566		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: SPRINGFIELD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			513	608	663
SEMI-DETACHED/ROW	303	375	453	508	562
WALKUP	299	366	427	492	542
ELEVATOR 2-4 STY	330	408	485		
ELEVATOR 5+ STY	378	458	560		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: SIDNEY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			476	546	606
SEMI-DETACHED/ROW	266	336	416	467	507
WALKUP	249	316	386	436	486
ELEVATOR 2-4 STY	280	358	446		
ELEVATOR 5+ STY	320	408	506		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: ZANESVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			507	577	633
SEMI-DETACHED/ROW	295	355	447	497	557
WALKUP	272	339	408	453	503
ELEVATOR 2-4 STY	303	381	468		
ELEVATOR 5+ STY	363	461	551		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

PREPARED ON 021286

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

DETROIT OFFICE

MARKET: DETROIT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			642	708	827
SEMI-DETACHED/ROW	408	413	526	616	713
WALKUP	326	408	479	568	661
ELEVATOR 2-4 STY	359	443	498		
ELEVATOR 5+ STY	364	474	571		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: FLINT

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		555	638	758
344	374	467	597	634
321	361	421	552	628
321	379	445		
333	440	523		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SAGINAW

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		515	586	625
344	346	467	532	592
292	336	404	527	587
301	369	410		
304	382	449		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ANN ARBOR

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		628	708	746
390	395	510	612	674
318	390	479	525	587
357	420	498		
356	457	519		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: YPSILANTI

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			628	708	746
SEMI-DETACHED/ROW	390	395	510	612	674
WALKUP	318	390	479	525	587
ELEVATOR 2-4 STY	357	420	498		
ELEVATOR 5+ STY	356	457	519		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

PREPARED ON 021286

GRAND RAPIDS OFFICE

MARKET: MT PLEASANT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			574	680	725
SEMI-DETACHED/ROW	376	424	488	604	653
WALKUP	258	345	385	478	515
ELEVATOR 2-4 STY	266	361	402		
ELEVATOR 5+ STY	433	493	571		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: GRAND RAPIDS

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		570	674	707
393	398	491	581	628
289	360	457	501	536
306	379	473		
417	486	539		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: BENTON HARBOR

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		547	650	684
396	401	500	601	634
280	325	401	491	522
297	341	418		
404	464	531		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: BATTLE CREEK

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		596	681	717
393	398	492	613	660
279	358	440	538	568
297	375	458		
428	496	556		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: LANSING

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			572	703	744
SEMI-DETACHED/ROW	395	400	478	591	636
WALKUP	307	361	437	527	559
ELEVATOR 2-4 STY	325	379	454		
ELEVATOR 5+ STY	387	437	513		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: MUSKEGON

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		578	682	716
445	450	534	627	666
294	371	439	521	532
312	391	457		
425	496	551		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: TRAVERSE CITY

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		619	724	758
459	464	543	667	704
297	385	435	534	573
313	401	452		
469	542	601		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: MARQUETTE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		537	643	677
384	389	490	590	624
221	307	398	495	532
237	324	415		
432	505	520		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: JACKSON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			560	682	734
SEMI-DETACHED/ROW	382	387	468	578	623
WALKUP	300	372	426	523	551
ELEVATOR 2-4 STY	306	390	443		
ELEVATOR 5+ STY	444	507	574		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

PREPARED ON 021286

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

INDIANAPOLIS OFFICE

MARKET: INDIANAPOLIS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			567	632	697
SEMI-DETACHED/ROW	373	412	496	578	620
WALKUP	340	382	458	514	545
ELEVATOR 2-4 STY	371	405	486		
ELEVATOR 5+ STY	458	506	592		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: BLOOMINGTON

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		550	616	687
364	396	472	536	584
324	367	437	496	545
359	385	466		
446	493	580		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: EVANSVILLE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		537	601	665
351	398	477	549	602
318	361	437	496	538
350	384	466		
428	476	570		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: FORT WAYNE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		542	604	673
365	395	472	524	585
321	362	430	482	530
355	385	458		
444	492	575		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: HAMMOND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			584	651	715
SEMI-DETACHED/ROW	401	452	530	591	667
WALKUP	372	421	491	555	593
ELEVATOR 2-4 STY	413	443	518		
ELEVATOR 5+ STY	478	537	628		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: LAFAYETTE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		548	615	686
365	404	481	551	602
329	374	441	499	546
361	397	468		
451	501	585		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SOUTH BEND

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		566	632	705
379	421	496	566	636
333	379	444	502	554
372	403	474		
456	515	597		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: TERRE HAUTE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		543	613	688
364	404	483	552	612
324	373	452	518	560
358	395	480		
433	490	582		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: GARY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			584	651	715
SEMI-DETACHED/ROW	401	452	527	591	667
WALKUP	372	421	491	555	593
ELEVATOR 2-4 STY	413	443	518		
ELEVATOR 5+ STY	474	526	599		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

PREPARED ON 021286

MILWAUKEE OFFICE

MARKET: MADISON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			650	739	780
SEMI-DETACHED/ROW	369	470	555	674	717
WALKUP	360	412	497	608	
ELEVATOR 2-4 STY	376	430	518		
ELEVATOR 5+ STY	516	562	677		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: REEDSVILLE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		593	684	720
318	417	503	623	663
313	364	454	566	
331	382	472		
460	510	632		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SUPERIOR

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		573	672	712
303	410	481	605	647
298	355	430	551	
315	372	447		
456	508	616		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: MILWAUKEE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		703	770	845
402	517	603	736	776
397	456	535	661	
415	473	553		
554	616	738		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: EAU CLAIRE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			526	618	655
SEMI-DETACHED/ROW	284	382	435	557	597
WALKUP	279	328	386	499	
ELEVATOR 2-4 STY	299	348	406		
ELEVATOR 5+ STY	427	478	568		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: GREEN BAY

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		574	665	702
302	399	485	604	645
297	346	436	547	
315	364	453		
443	492	614		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: WAUSAU

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		559	662	698
320	417	481	601	641
315	364	432	544	
332	382	453		
460	510	610		

EFFECTIVE DATE 100185
TRENDED DATE 100187

PREPARED ON 021286

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

MINNEAPOLIS-ST. PAUL OFFICE

	MARKET: MINNEAPOLIS NUMBER OF BEDROOMS					MARKET: DULUTH NUMBER OF BEDROOMS					MARKET: MANKATO NUMBER OF BEDROOMS					MARKET: ROCHESTER NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED																				
SEMI-DETACHED/ROW	411	416	557	640	715	377	398	527	600	669	412	424	533	606	678	437	444	537	623	696
WALKUP	339	390	465	594	615	344	371	446	545	579	333	372	464	535	566	340	380	468	539	571
ELEVATOR 2-4 STY	376	447	560			356	425	532			368	408	478			371	412	486		
ELEVATOR 5+ STY	384	507	640			374	450	572			382	524	621			401	544	616		
MANUFACTURED HOME																				
	EFFECTIVE DATE 100185					EFFECTIVE DATE 100185					EFFECTIVE DATE 100185					EFFECTIVE DATE 100185				
	TRENDED DATE 100187					TRENDED DATE 100187					TRENDED DATE 100187					TRENDED DATE 100187				

	MARKET: ST. CLOUD NUMBER OF BEDROOMS					MARKET: WORTHINGTON NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED										
SEMI-DETACHED/ROW	359	363	485	551	615	318	323	448	509	569
WALKUP	301	337	419	504	535	276	303	391	471	500
ELEVATOR 2-4 STY	327	401	455			293	359	428		
ELEVATOR 5+ STY	327	466	550			298	416	507		
MANUFACTURED HOME										
	EFFECTIVE DATE 100185					EFFECTIVE DATE 100185				
	TRENDED DATE 100187					TRENDED DATE 100187				

PREPARED ON 021286

REGION 6

FORT WORTH REGIONAL OFFICE

	MARKET: DALLAS NUMBER OF BEDROOMS					MARKET: SHERMAN NUMBER OF BEDROOMS					MARKET: TYLER NUMBER OF BEDROOMS					MARKET: WACO NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			584	681	727			450	540	612			486	605	674			468	554	622
SEMI-DETACHED/ROW	401	425	537	633	688	310	315	410	484	556	310	344	424	537	627	321	337	426	502	577
WALKUP	331	398	510	589	669	256	303	390	450	524	270	319	402	500	582	265	324	404	466	543
ELEVATOR 2-4 STY	349	439	554			267	335	422			282	354	436			276	347	439		
ELEVATOR 5+ STY	490	556	715			374	448	586			395	475	617			389	466	609		
MANUFACTURED HOME																				
	EFFECTIVE DATE 100185					EFFECTIVE DATE 100185					EFFECTIVE DATE 100185					EFFECTIVE DATE 100185				
	TRENDED DATE 100187					TRENDED DATE 100187					TRENDED DATE 100187					TRENDED DATE 100187				

	MARKET: WICHITA FALLS NUMBER OF BEDROOMS					MARKET: SAN ANGELO NUMBER OF BEDROOMS					MARKET: ABILENE NUMBER OF BEDROOMS					MARKET: LUBBOCK NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			482	569	641			511	636	707			494	676	748			479	585	656
SEMI-DETACHED/ROW	315	326	429	526	590	329	334	455	550	641	316	350	431	547	638	306	339	417	529	607
WALKUP	274	321	399	506	582	284	329	425	511	595	275	325	409	508	592	266	314	396	492	573
ELEVATOR 2-4 STY	286	359	443			299	381	472			287	360	444			278	349	430		
ELEVATOR 5+ STY	401	482	627			426	493	675			402	483	628			389	468	608		
MANUFACTURED HOME																				
	EFFECTIVE DATE 100185					EFFECTIVE DATE 100185					EFFECTIVE DATE 100185					EFFECTIVE DATE 100185				
	TRENDED DATE 100187					TRENDED DATE 100187					TRENDED DATE 100187					TRENDED DATE 100187				

	MARKET: AMARILLO NUMBER OF BEDROOMS					MARKET: EL PASO NUMBER OF BEDROOMS					MARKET: MIDLAND NUMBER OF BEDROOMS					MARKET: ODESSA NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			484	571	642			450	561	629			437	612	672			429	601	659
SEMI-DETACHED/ROW	351	355	448	527	609	287	318	392	497	580	280	310	381	484	564	274	304	374	475	553
WALKUP	276	319	425	490	572	250	295	372	462	539	243	287	362	450	524	238	282	355	441	514
ELEVATOR 2-4 STY	291	366	461			261	327	404			254	319	393			249	312	385		
ELEVATOR 5+ STY	408	483	612			366	439	571			356	427	556			349	419	545		
MANUFACTURED HOME																				
	EFFECTIVE DATE 100185					EFFECTIVE DATE 100185					EFFECTIVE DATE 100185					EFFECTIVE DATE 100185				
	TRENDED DATE 100187					TRENDED DATE 100187					TRENDED DATE 100187					TRENDED DATE 100187				

	MARKET: ALBUQUERQUE NM NUMBER OF BEDROOMS					MARKET: SANTA FE NM NUMBER OF BEDROOMS					MARKET: SILVER CITY NM NUMBER OF BEDROOMS					MARKET: TAOS NM NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			507	592	661			561	729	801			492	574	641			517	603	673
SEMI-DETACHED/ROW	357	362	460	540	626	352	388	489	576	672	363	368	469	547	607	352	357	450	533	622
WALKUP	285	333	433	502	586	304	360	464	536	625	300	350	452	523	569	279	334	428	495	577
ELEVATOR 2-4 STY	299	374	470			318	399	503			318	385	487			293	368	464		
ELEVATOR 5+ STY	419	489	648			447	536	713			419	474	629			413	495	659		
MANUFACTURED HOME																				
	EFFECTIVE DATE 100185					EFFECTIVE DATE 100185					EFFECTIVE DATE 100185					EFFECTIVE DATE 100185				
	TRENDED DATE 100187					TRENDED DATE 100187					TRENDED DATE 100187					TRENDED DATE 100187				

PREPARED ON 021286

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 6

FORT WORTH REGIONAL OFFICE

MARKET: CLOVIS NM

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			497	676	741
SEMI-DETACHED/ROW	335	373	434	534	623
WALKUP	293	346	412	496	578
ELEVATOR 2-4 STY	306	383	447		
ELEVATOR 5+ STY	428	513	633		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

PREPARED ON 021286

HOUSTON OFFICE

MARKET: HOUSTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			630	771	894
SEMI-DETACHED/ROW	370	431	548	666	750
WALKUP	349	411	528	634	724
ELEVATOR 2-4 STY	408	473	607		
ELEVATOR 5+ STY	533	622	719		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: BEAUMONT

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		589	692	825
344	406	481	589	697
324	377	463	561	664
381	450	553		
527	560	456		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: BRYAN

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		546	723	838
349	411	521	641	723
329	391	503	597	703
383	451	578		
508	610	763		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: LUFKIN

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		521	611	708
310	364	473	560	633
294	347	449	525	616
338	399	524		
487	530	650		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: EL CAMPO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			537	629	729
SEMI-DETACHED/ROW	336	370	495	595	668
WALKUP	318	361	467	567	650
ELEVATOR 2-4 STY	369	433	562		
ELEVATOR 5+ STY	450	531	656		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: TEXAS CITY

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		624	711	824
355	427	534	674	754
334	419	532	642	734
424	497	622		
533	622	719		

EFFECTIVE DATE 100185
TRENDED DATE 100187

PREPARED ON 021286

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 6

LITTLE ROCK OFFICE

MARKET: FAYETTEVILLE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			491	572	647
SEMI-DETACHED/ROW	332	397	466	564	617
WALKUP	319	380	451	537	595
ELEVATOR 2-4 STY	339	407	482		
ELEVATOR 5+ STY	416	486	561		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: LITTLE ROCK
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		513	588	672
344	418	485	565	636
319	403	450	550	615
346	435	490		
419	490	572		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: TEXARKANA
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		482	581	658
322	374	454	558	615
316	364	449	553	605
344	393	485		
416	486	562		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: FORT SMITH
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		464	548	624
311	351	445	515	576
292	339	410	474	531
321	369	452		
422	490	576		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: JONESBORO
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			468	562	637
SEMI-DETACHED/ROW	320	371	454	557	608
WALKUP	301	357	430	525	573
ELEVATOR 2-4 STY	333	387	477		
ELEVATOR 5+ STY	409	479	560		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

PREPARED ON 021286

NEW ORLEANS OFFICE

MARKET: NEW ORLEANS
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			433	508	597
SEMI-DETACHED/ROW	321	328	422	497	581
WALKUP	299	318	414	486	557
ELEVATOR 2-4 STY	310	329	425		
ELEVATOR 5+ STY	459	483	625		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: LAKE CHARLES
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		382	484	574
307	309	370	472	557
240	287	346	444	513
251	298	357		
399	450	553		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: LAFAYETTE
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		334	418	506
240	249	322	406	489
193	240	312	396	467
204	251	323		
351	402	522		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: BATON ROUGE
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		415	500	591
305	331	401	488	575
252	296	362	442	508
263	307	373		
417	467	579		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: HOUMA
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			393	504	594
SEMI-DETACHED/ROW	272	327	380	492	579
WALKUP	267	315	368	479	553
ELEVATOR 2-4 STY	278	326	379		
ELEVATOR 5+ STY	427	480	580		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SHREVEPORT
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		483	574	667
325	357	460	551	638
278	327	427	511	578
319	393	447		
422	482	616		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ALEXANDRIA
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		428	503	585
289	340	400	473	562
276	323	385	452	527
295	352	405		
416	471	591		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: MONROE
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		440	554	633
288	339	410	524	614
265	327	403	515	586
282	348	422		
421	476	592		

EFFECTIVE DATE 100185
TRENDED DATE 100187

PREPARED ON 021286

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 6

OKLAHOMA CITY OFFICE

MARKET: OKLAHOMA CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			549	660	721
SEMI-DETACHED/ROW	371	405	450	561	627
WALKUP	317	346	445	540	600
ELEVATOR 2-4 STY	334	369	480		
ELEVATOR 5+ STY	400	435	549		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: GUYMON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			449	550	621
SEMI-DETACHED/ROW	297	350	428	529	600
WALKUP	233	273	342	437	484
ELEVATOR 2-4 STY	250	296	377		
ELEVATOR 5+ STY	316	363	447		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: WOODWARD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			447	549	620
SEMI-DETACHED/ROW	295	348	426	529	599
WALKUP	233	273	342	437	484
ELEVATOR 2-4 STY	250	296	377		
ELEVATOR 5+ STY	316	363	447		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: TULSA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			514	663	734
SEMI-DETACHED/ROW	306	346	431	581	633
WALKUP	264	301	419	557	604
ELEVATOR 2-4 STY	281	324	455		
ELEVATOR 5+ STY	347	391	525		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ADA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		513	606	661
346	392	499	590	646
285	332	430	495	537
302	356	461		
355	392	506		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: LAWTON

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		522	590	676
379	405	500	577	662
284	327	416	500	567
301	351	452		
369	420	524		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: BARTLESVILLE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		452	532	590
331	361	439	517	575
263	303	378	453	495
280	326	387		
316	349	439		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ARDMORE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		511	603	658
343	385	496	585	643
285	329	430	495	537
302	356	456		
355	392	506		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SHAWNEE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		450	495	545
361	367	438	482	530
275	305	370	403	441
286	323	409		
332	369	443		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: MC ALESTER

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		449	521	574
323	328	436	507	560
230	260	361	422	467
242	277	380		
288	323	429		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ENID

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		510	586	657
373	419	489	565	637
267	333	394	463	512
300	358	429		
325	422	499		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: STILLWATER

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		465	536	604
362	384	451	522	585
272	323	384	447	493
295	344	421		
331	390	458		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: MUSKOGEE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		408	471	534
353	362	394	458	519
256	295	328	406	440
273	312	340		
323	357	390		

EFFECTIVE DATE 100185
TRENDED DATE 100187

PREPARED ON 021286

SAN ANTONIO OFFICE

MARKET: SAN ANTONIO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			605	708	780
SEMI-DETACHED/ROW	402	446	546	629	695
WALKUP	366	402	483	543	593
ELEVATOR 2-4 STY	426	472	592		
ELEVATOR 5+ STY	527	599	785		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: HARLINGEN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			569	668	778
SEMI-DETACHED/ROW	340	390	528	627	722
WALKUP	302	333	438	514	585
ELEVATOR 2-4 STY	361	398	551		
ELEVATOR 5+ STY	474	543	757		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: AUSTIN

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		679	858	947
435	499	639	785	875
398	451	568	691	773
462	524	678		
568	656	875		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: LAREDO

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		552	675	753
363	413	509	601	717
325	359	427	493	580
398	433	541		
505	571	746		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: CORPUS CHRISTY

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		623	690	756
386	480	596	632	697
648	431	523	539	583
414	502	632		
523	638	835		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: VICTORIA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		623	690	756
386	480	596	632	697
348	431	523	539	583
414	502	632		
523	638	835		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: EAGLE PASS

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		552	675	753
363	413	509	601	717
325	359	427	493	580
398	433	541		
505	571	746		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: DEL RIO

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		552	675	753
363	413	509	601	717
325	359	427	493	580
398	433	541		
505	571	746		

EFFECTIVE DATE 100185
TRENDED DATE 100187

PREPARED ON 021286

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 7

DES MOINES OFFICE

MARKET: DES MOINES
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			601	694	795
SEMI-DETACHED/ROW	410	433	520	585	669
WALKUP	332	381	443	499	553
ELEVATOR 2-4 STY	400	443	524		
ELEVATOR 5+ STY	431	481	570		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: BETTENDORF
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		534	628	719
342	398	468	531	635
287	338	408	490	561
371	422	512		
407	464	564		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: CEDAR RAPIDS
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		576	670	765
353	411	510	582	670
293	343	439	507	575
380	432	532		
429	477	580		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: COUNCIL BLUFF
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		548	636	735
388	414	495	557	633
310	357	420	469	520
393	445	512		
427	483	571		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: DUBUQUE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			555	650	742
SEMI-DETACHED/ROW	358	415	488	565	657
WALKUP	302	354	423	510	577
ELEVATOR 2-4 STY	382	435	528		
ELEVATOR 5+ STY	417	477	577		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: MASON CITY
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		577	670	762
360	418	508	583	678
303	350	424	488	557
384	438	525		
431	481	577		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SIOUX CITY
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		594	677	773
379	436	524	592	678
314	351	426	489	568
402	449	528		
434	487	576		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: DAVENPORT
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		534	628	719
342	398	468	531	635
287	338	408	490	561
371	422	512		
407	464	564		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: WATERLOO
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			491	581	669
SEMI-DETACHED/ROW	334	388	427	500	589
WALKUP	281	330	369	448	571
ELEVATOR 2-4 STY	357	407	465		
ELEVATOR 5+ STY	390	447	515		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

PREPARED ON 021286

KANSAS CITY REGIONAL OFFICE

MARKET: KANSAS CITY
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	405	448	536	603	643
WALKUP	330	389	473	584	623
ELEVATOR 2-4 STY	363	406	535		
ELEVATOR 5+ STY	459	506	649		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: JOPLIN
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
302	342	444	527	572
252	300	385	496	538
318	365	455		
414	466	598		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ST. JOSEPH
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
309	335	405	496	534
289	332	394	485	523
327	375	469		
426	482	617		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SEDALIA
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
278	319	405	498	537
273	315	400	479	523
332	381	476		
432	488	626		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SPRINGFIELD
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	284	307	413	499	545
WALKUP	237	287	389	489	534
ELEVATOR 2-4 STY	283	325	406		
ELEVATOR 5+ STY	369	417	535		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: TOPEKA
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
318	375	456	560	598
299	322	421	493	531
346	400	497		
414	466	609		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: GARDEN CITY
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
368	373	445	552	608
295	346	440	500	555
337	390	487		
402	453	593		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: PITTSBURG
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
314	353	427	523	559
266	305	376	474	512
331	384	479		
395	445	584		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SALINA
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	297	336	422	508	550
WALKUP	270	313	401	481	545
ELEVATOR 2-4 STY	337	394	487		
ELEVATOR 5+ STY	402	453	593		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: WICHITA
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
339	377	457	557	593
272	311	404	492	523
344	397	497		
409	462	604		

EFFECTIVE DATE 100185
TRENDED DATE 100187

PREPARED ON 021286

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 7

OMAHA OFFICE

MARKET: OMAHA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	337	373	476	542	597
WALKUP	289	349	430	532	562
ELEVATOR 2-4 STY	296	392	471		
ELEVATOR 5+ STY	325	405	488		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: GRAND ISLAND

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
312	352	460	532	560
289	348	427	501	537
296	387	471		
328	405	488		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: LINCOLN

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
351	365	462	530	584
288	349	430	525	578
296	394	471		
337	405	488		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: NORFOLK

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
312	352	460	532	560
289	348	427	501	537
296	387	471		
328	405	488		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: NORTH PLATTE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	294	340	431	495	528
WALKUP	270	336	396	472	506
ELEVATOR 2-4 STY	283	358	451		
ELEVATOR 5+ STY	303	383	471		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SCOTTS BLUFF

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
308	347	454	525	553
288	343	426	494	530
300	381	481		
323	408	501		

EFFECTIVE DATE 100185
TRENDED DATE 100187

PREPARED ON 021286

ST. LOUIS OFFICE

MARKET: ST. LOUIS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			606	713	767
SEMI-DETACHED/ROW	411	488	577	683	752
WALKUP	359	454	541	613	676
ELEVATOR 2-4 STY	390	489	585		
ELEVATOR 5+ STY	434	564	762		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: CAPE GIRARDEAU

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		423	508	556
290	335	407	503	551
251	316	374	444	462
278	348	420		
306	378	559		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: COLUMBIA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		395	519	566
295	342	377	514	561
265	336	367	494	544
287	361	440		
320	427	589		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: KIRKSVILLE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		431	529	578
295	347	410	520	573
260	329	403	502	554
283	355	448		
315	420	599		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ROLLA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			441	532	585
SEMI-DETACHED/ROW	295	344	435	527	580
WALKUP	256	324	408	493	540
ELEVATOR 2-4 STY	278	349	440		
ELEVATOR 5+ STY	310	405	581		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

PREPARED ON 021286

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 8

DENVER, COLORADO REGIONAL OFFICE

MARKET: DENVER, CO	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			696	827	922
SEMI-DETACHED/ROW	444	498	587	692	781
WALKUP	360	421	463	614	697
ELEVATOR 2-4 STY	376	429	544		
ELEVATOR 5+ STY	456	467	606		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: GRAND JUNCT,CO	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			549	638	680
SEMI-DETACHED/ROW	314	361	442	557	639
WALKUP	285	343	404	505	584
ELEVATOR 2-4 STY	353	404	493		
ELEVATOR 5+ STY	377	429	518		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: ASPEN/VAIL	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			578	661	700
SEMI-DETACHED/ROW	356	409	496	607	653
WALKUP	328	387	458	564	613
ELEVATOR 2-4 STY	380	447	497		
ELEVATOR 5+ STY	392	457	506		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: FARGO, ND	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			545	655	704
SEMI-DETACHED/ROW	329	372	463	577	663
WALKUP	276	332	427	478	614
ELEVATOR 2-4 STY	322	377	466		
ELEVATOR 5+ STY	329	387	476		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: BISMARK, ND	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			515	621	662
SEMI-DETACHED/ROW	319	353	433	535	609
WALKUP	293	338	398	491	558
ELEVATOR 2-4 STY	311	358	436		
ELEVATOR 5+ STY	319	368	447		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: DICKINSON, ND	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			476	587	664
SEMI-DETACHED/ROW	284	327	396	496	568
WALKUP	261	291	361	453	519
ELEVATOR 2-4 STY	311	355	436		
ELEVATOR 5+ STY	319	368	447		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: HELENA, MT	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			449	530	569
SEMI-DETACHED/ROW	287	341	423	520	559
WALKUP	258	316	384	493	551
ELEVATOR 2-4 STY	318	384	451		
ELEVATOR 5+ STY	331	400	464		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: BILLINGS, MT	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			536	609	647
SEMI-DETACHED/ROW	342	400	492	598	638
WALKUP	313	375	454	562	628
ELEVATOR 2-4 STY	347	409	530		
ELEVATOR 5+ STY	360	424	543		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: GREAT FALLS,MT	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			475	547	588
SEMI-DETACHED/ROW	297	346	433	535	578
WALKUP	269	315	395	504	568
ELEVATOR 2-4 STY	325	379	477		
ELEVATOR 5+ STY	339	394	491		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: MISSOULA, MT	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			461	542	585
SEMI-DETACHED/ROW	265	317	400	521	575
WALKUP	236	304	361	471	552
ELEVATOR 2-4 STY	305	361	454		
ELEVATOR 5+ STY	331	388	482		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: SALT LAKE CITY	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			532	668	734
SEMI-DETACHED/ROW	348	391	469	603	660
WALKUP	269	378	444	530	613
ELEVATOR 2-4 STY	336	442	499		
ELEVATOR 5+ STY	371	474	554		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: CEDAR CITY, UT	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			473	519	564
SEMI-DETACHED/ROW	335	360	424	474	509
WALKUP	260	352	404	469	490
ELEVATOR 2-4 STY	330	397	458		
ELEVATOR 5+ STY	347	441	506		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: VERNAL, UT	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			475	600	699
SEMI-DETACHED/ROW	229	304	428	507	600
WALKUP	203	252	333	440	527
ELEVATOR 2-4 STY	273	329	424		
ELEVATOR 5+ STY	291	349	446		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: SIOUX FALLS,SD	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			493	534	578
SEMI-DETACHED/ROW	318	361	448	503	550
WALKUP	293	336	413	489	530
ELEVATOR 2-4 STY	327	367	448		
ELEVATOR 5+ STY	334	382	459		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: PIERRE, SD	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			503	546	594
SEMI-DETACHED/ROW	249	310	407	524	572
WALKUP	243	294	364	485	546
ELEVATOR 2-4 STY	292	350	431		
ELEVATOR 5+ STY	318	356	442		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: RAPID CITY, SD	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			528	641	682
SEMI-DETACHED/ROW	328	400	495	609	662
WALKUP	301	376	458	567	630
ELEVATOR 2-4 STY	334	392	495		
ELEVATOR 5+ STY	339	400	500		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

PREPARED ON 021286

DENVER, COLORADO REGIONAL OFFICE

MARKET: CASPER, WY	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			539	661	751
SEMI-DETACHED/ROW	307	356	436	547	634
WALKUP	281	326	400	503	582
ELEVATOR 2-4 STY	343	395	483		
ELEVATOR 5+ STY	367	421	509		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: CHEYENNE, WY	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			559	675	759
SEMI-DETACHED/ROW	329	376	454	561	639
WALKUP	304	347	419	517	589
ELEVATOR 2-4 STY	365	416	502		
ELEVATOR 5+ STY	389	441	529		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

MARKET: CODY, WY	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			539	661	751
SEMI-DETACHED/ROW	307	356	436	547	634
WALKUP	281	326	400	503	582
ELEVATOR 2-4 STY	343	395	483		
ELEVATOR 5+ STY	367	421	509		
MANUFACTURED HOME					
EFFECTIVE DATE	100185				
TRENDED DATE	100187				

PREPARED ON 021286

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 9

HONOLULU OFFICE

MARKET: HONOLULU

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			825	1073	1219
SEMI-DETACHED/ROW	559	580	793	948	1069
WALKUP	487	559	646	941	1059
ELEVATOR 2-4 STY	540	628	674		
ELEVATOR 5+ STY	555	744	917		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: GUAM

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			644	738	829
SEMI-DETACHED/ROW	519	522	599	664	782
WALKUP	352	416	496	564	

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: KAUAI

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			840	976	1068
SEMI-DETACHED/ROW	666	743	830	966	1056
WALKUP	496	626	667	942	1032
ELEVATOR 2-4 STY	525	657	697		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: MAUI

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			759	940	996
SEMI-DETACHED/ROW	627	705	743	929	986
WALKUP	459	593	716	836	893
ELEVATOR 2-4 STY	489	623	747		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: HILO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			591	738	857
SEMI-DETACHED/ROW	479	498	580	728	847
WALKUP	404	448	552	700	826
ELEVATOR 2-4 STY	436	476	584		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: KONA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			724	861	949
SEMI-DETACHED/ROW	576	632	713	849	939
WALKUP	468	534	623	760	834
ELEVATOR 2-4 STY	497	563	653		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

PREPARED ON 021286

LOS ANGELES OFFICE

MARKET: LOS ANGELES

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			791	890	1002
SEMI-DETACHED/ROW	591	633	730	828	949
WALKUP	484	558	673	802	873
ELEVATOR 2-4 STY	523	601	726	832	901
ELEVATOR 5+ STY	658	746	963		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: BAKERSFIELD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			624	737	843
SEMI-DETACHED/ROW	427	448	572	699	782
WALKUP	344	422	546	674	732
ELEVATOR 2-4 STY	361	441	573		
ELEVATOR 5+ STY	516	605	792		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SANTA BARBARA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			791	879	996
SEMI-DETACHED/ROW	620	625	760	846	957
WALKUP	442	493	637	722	783
ELEVATOR 2-4 STY	460	516	659		
ELEVATOR 5+ STY	598	667	854		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: VENTURA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			746	847	943
SEMI-DETACHED/ROW	332	551	612	747	814
WALKUP	473	518	580	711	760
ELEVATOR 2-4 STY	495	539	603		
ELEVATOR 5+ STY	644	700	807		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: PASO ROBLES

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			723	806	876
SEMI-DETACHED/ROW	481	486	604	726	807
WALKUP	404	456	562	669	724
ELEVATOR 2-4 STY	424	476	585		
ELEVATOR 5+ STY	575	642	795		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: LANCASTER

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			595	685	799
SEMI-DETACHED/ROW	462	466	562	650	760
WALKUP	364	438	538	622	709
ELEVATOR 2-4 STY	389	463	562		
ELEVATOR 5+ STY	547	626	776		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: OXNARD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			746	848	943
SEMI-DETACHED/ROW	535	551	612	747	814
WALKUP	473	518	580	711	760
ELEVATOR 2-4 STY	495	539	603		
ELEVATOR 5+ STY	644	700	807		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SANTA ANA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			786	951	1036
SEMI-DETACHED/ROW	661	666	772	934	1014
WALKUP	533	626	719	863	914
ELEVATOR 2-4 STY	535	644	742		
ELEVATOR 5+ STY	682	804	944		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SAN DIEGO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			658	781	864
SEMI-DETACHED/ROW	526	531	633	717	841
WALKUP	428	488	591	693	743
ELEVATOR 2-4 STY	463	534	644		
ELEVATOR 5+ STY	554	646	791		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: EL CAJON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			658	781	864
SEMI-DETACHED/ROW	526	531	633	717	841
WALKUP	428	488	591	693	743
ELEVATOR 2-4 STY	463	534	644		
ELEVATOR 5+ STY	554	646	791		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SANTA MARIA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			671	762	874
SEMI-DETACHED/ROW	502	561	640	730	833
WALKUP	395	447	518	575	633
ELEVATOR 2-4 STY	417	468	539		
ELEVATOR 5+ STY	560	626	740		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SAN BERNARDINO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			598	721	811
SEMI-DETACHED/ROW	466	492	587	682	795
WALKUP	418	471	554	559	729
ELEVATOR 2-4 STY	447	491	574		
ELEVATOR 5+ STY	603	651	780		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

PREPARED ON 021286

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 9

PHOENIX OFFICE

MARKET: PHOENIX

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			578	696	787
SEMI-DETACHED/ROW	416	477	571	662	726
WALKUP	397	459	544	637	679
ELEVATOR 2-4 STY	427	485	574		
ELEVATOR 5+ STY	523	597	717		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: CASA GRANDE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		506	598	669
340	389	474	558	622
329	384	463	519	575
357	412	485		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: FLAGSTAFF

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		616	708	789
414	460	550	615	698
397	445	541	600	664
423	471	567		
543	599	700		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SAFFORD

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		483	573	665
328	381	455	542	627
307	363	441	520	575
335	391	469		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: TUCSON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			527	636	692
SEMI-DETACHED/ROW	348	403	491	568	668
WALKUP	328	380	486	553	624
ELEVATOR 2-4 STY	358	409	516		
ELEVATOR 5+ STY	519	585	744		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: YUMA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		539	638	732
371	424	516	601	688
357	405	508	567	630
385	433	534		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: KINGMAN

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		520	582	675
378	415	497	561	633
360	410	487	547	600
386	436	513		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: DOUGLAS

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		502	570	688
367	406	472	536	647
350	405	463	522	613
376	431	489		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: NOGALES

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			488	573	682
SEMI-DETACHED/ROW	311	370	452	534	633
WALKUP	290	353	441	518	594
ELEVATOR 2-4 STY	313	379	467		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

PREPARED ON 021286

SACRAMENTO OFFICE

MARKET: SACRAMENTO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			564	598	687
SEMI-DETACHED/ROW	466	471	538	592	650
WALKUP	359	427	487	585	650
ELEVATOR 2-4 STY	417	464	550		
ELEVATOR 5+ STY	582	650	739		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: REDDING

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		523	547	628
423	444	492	541	607
329	381	441	486	607
374	428	529		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: PLACERVILLE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		587	628	721
489	494	564	622	683
370	442	504	614	683
458	523	592		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: YREKA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		525	614	660
400	440	505	585	630
345	375	450	555	615
365	395	470		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: S. LAKE TAHOE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			633	733	798
SEMI-DETACHED/ROW	530	535	612	710	762
WALKUP	406	478	545	653	716
ELEVATOR 2-4 STY	475	535	619		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

PREPARED ON 021286

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 9

SAN FRANCISCO REGIONAL OFFICE

MARKET: SAN FRANCISCO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	802	807	1046	1209	1292
WALKUP	554	640	837	1020	1120
ELEVATOR 2-4 STY	609	735	940		
ELEVATOR 5+ STY	774	899	1138		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: FRESNO

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
387	392	505	663	728
330	386	475	607	694
414	492	613		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: MODESTO

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
359	364	436	532	586
339	359	431	527	581
438	492	616		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SAN JOSE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
540	545	665	806	887
450	540	642	766	835
482	560	649		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: OAKLAND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	619	624	794	908	1003
WALKUP	512	596	739	837	928
ELEVATOR 2-4 STY	551	603	813		
ELEVATOR 5+ STY	752	822	1070		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: MARIN

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
619	624	794	908	1003
512	596	739	837	928
551	603	813		
752	822	1070		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: EUREKA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
331	390	530	694	785
326	382	525	687	779
415	505	650		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SANTA ROSA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
511	516	631	785	851
438	511	631	779	837
542	632	797		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SANTA CRUZ

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	464	469	632	806	888
WALKUP	391	465	594	766	835
ELEVATOR 2-4 STY	482	595	717		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: RENO

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
461	466	571	698	768
402	461	546	635	704
518	597	755		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: LAS VEGAS

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
375	430	535	658	710
368	413	522	648	702
457	518	682		

EFFECTIVE DATE 100185
TRENDED DATE 100187

PREPARED ON 021286

REGION 10

ANCHORAGE OFFICE

MARKET: ANCHORAGE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			750	830	857
SEMI-DETACHED/ROW	639	644	718	783	809
WALKUP	410	526	619	732	759
ELEVATOR 2-4 STY	431	531	680		
ELEVATOR 5+ STY	456	556	705		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: FAIRBANKS

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		738	805	876
542	632	709	797	860
424	535	681	747	843
528	632	818		
553	657	843		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: JUNEAU

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		782	891	927
622	627	759	849	891
413	561	689	787	857
510	607	729		
535	632	759		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: KETCHIKAN

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		687	782	870
456	557	655	745	829
431	506	594	678	752
481	572	691		
506	597	710		

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: KENAI PENINSULAR

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			873	1025	1203
SEMI-DETACHED/ROW	447	584	721	858	1021
WALKUP	381	464	535	599	742
ELEVATOR 2-4 STY	481	581	759		
ELEVATOR 5+ STY	506	606	784		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SITKA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		673	816	978
301	407	530	665	812
291	380	495	598	700
390	489	669		
440	539	719		

EFFECTIVE DATE 100185
TRENDED DATE 100187

PREPARED ON 021286

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 10

PORTLAND OFFICE

MARKET: PORTLAND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			466	575	624
SEMI-DETACHED/ROW	298	355	422	513	562
WALKUP	286	352	408	471	548
ELEVATOR 2-4 STY	297	365	430		
ELEVATOR 5+ STY	359	426	575		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: BEND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			356	457	510
SEMI-DETACHED/ROW	266	278	322	395	443
WALKUP	202	261	302	373	413
ELEVATOR 2-4 STY	215	280	320		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: COOS BAY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			356	416	463
SEMI-DETACHED/ROW	243	275	324	396	440
WALKUP	216	262	313	382	428
ELEVATOR 2-4 STY	227	275	328		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: MEDFORD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			405	474	531
SEMI-DETACHED/ROW	278	319	373	425	502
WALKUP	255	305	348	405	441
ELEVATOR 2-4 STY	269	318	360		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: ONTARIO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			373	444	496
SEMI-DETACHED/ROW	225	277	331	406	451
WALKUP	208	253	321	404	439
ELEVATOR 2-4 STY	219	265	334		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: WEST SALEM

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			375	463	514
SEMI-DETACHED/ROW	217	286	346	415	470
WALKUP	199	250	303	396	437
ELEVATOR 2-4 STY	212	263	320		
ELEVATOR 5+ STY	293	360	444		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: PENDLETON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			400	463	520
SEMI-DETACHED/ROW	267	294	368	412	462
WALKUP	229	281	349	393	432
ELEVATOR 2-4 STY	242	293	363		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: BOISE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			443	552	593
SEMI-DETACHED/ROW	309	334	366	475	527
WALKUP	267	317	360	453	494
ELEVATOR 2-4 STY	297	327	373		
ELEVATOR 5+ STY	360	427	489		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: EUGENE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			375	472	526
SEMI-DETACHED/ROW	227	260	351	428	469
WALKUP	208	253	318	411	443
ELEVATOR 2-4 STY	221	269	336		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: IDAHO FALLS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			333	375	418
SEMI-DETACHED/ROW	244	249	297	347	390
WALKUP	183	231	276	333	375
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: MCCALL

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			371	447	483
SEMI-DETACHED/ROW	208	252	329	397	432
WALKUP	184	232	311	368	412
ELEVATOR 2-4 STY	195	245	335		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: POCATELLO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			386	487	522
SEMI-DETACHED/ROW	248	268	367	443	489
WALKUP	201	251	333	402	433
ELEVATOR 2-4 STY	216	262	357		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: TWIN FALLS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			363	483	530
SEMI-DETACHED/ROW	249	257	321	381	426
WALKUP	203	245	310	367	404
ELEVATOR 2-4 STY	219	264	335		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: LEWISTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			334	426	497
SEMI-DETACHED/ROW	248	253	313	373	410
WALKUP	197	236	288	357	393
ELEVATOR 2-4 STY	229	265	306		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: COEUR D'ALEN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			373	462	509
SEMI-DETACHED/ROW	250	260	337	394	434
WALKUP	223	238	298	374	407
ELEVATOR 2-4 STY	244	253	316		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

PREPARED ON 021286

SEATTLE REGIONAL OFFICE

MARKET: SEATTLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			587	653	736
SEMI-DETACHED/ROW	329	404	494	586	679
WALKUP	321	399	489	556	571
ELEVATOR 2-4 STY	359	429	530		
ELEVATOR 5+ STY	402	501	566		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: BELLINGHAM

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			447	558	603
SEMI-DETACHED/ROW	287	328	397	489	539
WALKUP	245	313	387	472	525
ELEVATOR 2-4 STY	262	330	404		
ELEVATOR 5+ STY	392	464	573		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: OLYMPIA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			426	510	606
SEMI-DETACHED/ROW	323	341	367	460	546
WALKUP	246	314	362	435	519
ELEVATOR 2-4 STY	263	331	403		
ELEVATOR 5+ STY	391	463	557		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: YAKIMA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			419	525	606
SEMI-DETACHED/ROW	278	320	395	477	564
WALKUP	230	299	356	452	522
ELEVATOR 2-4 STY	246	321	372		
ELEVATOR 5+ STY	382	450	553		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: SPOKANE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			441	547	642
SEMI-DETACHED/ROW	269	311	388	477	561
WALKUP	236	289	357	443	502
ELEVATOR 2-4 STY	253	323	373		
ELEVATOR 5+ STY	391	442	538		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

MARKET: KENNEWICK

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			387	458	560
SEMI-DETACHED/ROW	267	274	309	388	476
WALKUP	234	261	304	361	448
ELEVATOR 2-4 STY	276	307	380		
ELEVATOR 5+ STY	336	387	462		
MANUFACTURED HOME					

EFFECTIVE DATE 100185
TRENDED DATE 100187

PREPARED ON 021286

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federal register

Tuesday
April 22, 1986

Part V

Department of the Interior

Bureau of Land Management

43 CFR Parts 3500, 3510, 3520, 3530, 3540, 3550, 3560, 3570, 3580 and 3590

Revision of Regulations Covering Leasing of Solid Minerals Other Than Coal and Oil Shale; Final Rulemaking

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 3500, 3510, 3520, 3530, 3540, 3550, 3560, 3570, 3580 and 3590

[Circular No. 2580]

Leasing of Solid Minerals Other Than Coal and Oil Shale; Revision of Regulations Covering Leasing of Solid Minerals Other Than Coal and Oil Shale

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking totally revises the provisions of 43 CFR Group 3500 concerning leasing of solid minerals other than coal and oil shale, to reduce the regulatory burden imposed on the public, to streamline and clarify the existing provisions, to change the format in order to address specific minerals individually and to achieve a number of miscellaneous purposes under the authority granted the Secretary of the Interior by various statutes.

EFFECTIVE DATE: May 22, 1986.

ADDRESS: Any suggestions or inquiries should be sent to: Director (650), Bureau of Land Management, Room 3600, Main Interior Bldg., 1800 C Street NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Zareh Mozian, (202) 343–2456.

SUPPLEMENTARY INFORMATION: A proposed rulemaking containing a revision of 43 CFR Group 3500 was published in the **Federal Register** on April 12, 1985 (50 FR 14512) with a 60-day comment period. During the comment period, which included an extension of 45 days, comments were received from 277 sources, with 194 coming from individuals, 38 from businesses, 7 from industry associations, 31 from Federal agencies, 4 from State and local governmental entities and 3 from attorneys. All of the comments were given careful consideration and will be addressed in the preamble in connection with the section commented upon. Only those sections that were the subject of comments are discussed in the preamble.

In general, the comments were favorable to the changes made by the proposed rulemaking, with a special endorsement for the proposed rulemaking's treatment of the minerals individually.

One comment requested that the final rulemaking contain a provision stating that the final rulemaking is only applicable to new or revised leases. This request has not been adopted by the final rulemaking. Nothing in the final relemaking is intended to change any specific terms and conditions of an existing lease, and in fact, many existing leases have an express provision to that effect. However, this final rulemaking contains many procedural and organizational statements which the Department of the Interior expects all lessees to follow.

Section 3500.0–3 Authorities.

Three comments were received on § 3500.0–3 of the proposed rulemaking. One comment questioned the listing of the Act of March 4, 1917 (16 U.S.C. 520) and recommended that the Act of March 1, 1911 (36 Stat. 961), be used instead because that was the authority for the purchase of Weeks Act lands. This recommendation was not adopted because except for the Act of June 28, 1952, the laws listed in the proposed rulemaking are identical to the laws listed in Reorganization Plan No. 3 (5 U.S.C. Appendix). It is under this cited authority that the Department of the Interior administers mineral leasing on these lands; the 1911 Act is not such authority for the Department. The Act of June 28, 1952, is listed because it refers back to Reorganization Plan No. 3. A second comment recommended that the Act of June 28, 1944 (58 Stat. 463, 483–485), relating to asphalt in Oklahoma be added to the special acts listed in the proposed rulemaking by the final rulemaking. This recommendation was not adopted because the Act of June 28, 1944, amended and supplemented the Mineral Leasing Act of 1920, although it has never been so codified. The final comment on this section of the proposed rulemaking questioned the elimination of a listing of conditions under which mineral leasing is permissible in those units of the National Park System where leasing is specifically authorized. The listing of conditions was eliminated by the proposed rulemaking and the final rulemaking because it has been moved to § 3582.3, where it is more appropriate. The final rulemaking adopts without substantive change § 3500.0–3 of the proposed rulemaking.

Section 3500.0–5 Definitions.

A general comment on § 3500.0–5 of the proposed rulemaking suggested the addition of the definitions of several terms to the section. All of the terms recommended for addition by the comment are defined in parts of the proposed rulemaking covering specific minerals if those terms are used in that part. The suggestion has not been adopted by the final rulemaking.

One comment questioned why the proposed rulemaking removed the definition of the term "rule of approximation" from the existing regulations. The definition of the term "rule of approximation" was removed by the proposed rulemaking because experience over the past several years has shown that it is no longer needed and its purpose can be accomplished administratively. The final rulemaking continues the exclusion of the definition of the term "rule of approximation."

One comment recommended that the final rulemaking make a change in the definition of the term "proper BLM office" as it appeared in the proposed rulemaking. The recommendation was not adopted by the final rulemaking because the change would have dealt with only a small portion of the extensive functions of a Bureau of Land Management office and those functions, as they relate to an applicant, are covered throughout the provisions of group 3500.

A comment questioned the addition of the phrase "and others specifically identified by Congress as part of the public domain" to the definition of the term "public domain lands" contained in the proposed rulemaking. This phrase, which is included in the final rulemaking, was used to indicate that Congress can designate reacquired lands as part of the public domain and if such an action is taken by the Congress, the fact that lands have been added to the public domain would be reflected on the official land records maintained by the Bureau of Land Management and open for public inspection.

One comment noted that the definition of the term "acquired lands" contained in the proposed rulemaking and adopted by the final rulemaking included the mineral estate of those lands and questioned how proof of ownership of the mineral estate would be shown. The document conveying the acquired lands to the United States would contain a recital of what interests were being conveyed and that document would be the basis of the interest of the United States.

A comment pointed out that the proposed rulemaking repeated the definition of the term "chiefly valuable" contained in the existing regulations (which was adopted in the **Federal Register** of April 25, 1984 (49 FR 17900)) and recommends that it be changed by the final rulemaking. After careful consideration of the recommended change, it was not adopted by the final rulemaking because the definition used in the proposed rulemaking is clearer than the recommended change.

Two final comments on this section of the proposed rulemaking suggested that the definition of the term "hardrock minerals" was confusing and recommended a change. The final rulemaking makes a change that clarifies the term.

Section 3500.5 Filing of documents.

Several comments questioned the need for paragraph (b) of the proposed rulemaking, with some of those making comments being concerned that the paragraph granted too much confidentiality. The section was carefully reviewed and the final rulemaking revises paragraph (b) to make it conform more precisely to the Freedom of Information Act requirements.

Section 3500.6 Multiple development.

One comment recommended that this section of the proposed rulemaking be changed by removing the ultimate phrase because it appears to broaden the requirement of the existing regulations. The final rulemaking has not adopted the recommendation because the language emphasizes the need for users of the same lands to not unreasonably interfere with the operations or other authorized uses of those lands.

Section 3500.7 Environmental considerations.

This section of the proposed rulemaking has been revised by the final rulemaking in response to a comment. The comment suggested that the proposed rulemaking failed to mention that leases and permits issued under group 3500 must conform to an approved land use plan.

Finally, the final rulemaking, in response to a comment, adds a new paragraph (c) that states that leasing will be consistent with unsuitability designations in accordance with the land use planning regulations and the Surface Mining and Reclamation Act.

Section 3500.8 Lands not subject to leasing.

One comment suggested that paragraph (a) of the proposed rulemaking did not conform with the provisions of the National Park Service Act of 1970, as amended (16 U.S.C. 1(c)). The final rulemaking has adopted a change to paragraph (a) that clearly states that lands within the National Park System are not subject to lease except as specifically authorized by law.

The final rulemaking has not adopted two changes suggested in the comments on this section of the proposed rulemaking because the references in this section are self explanatory and will eliminate far more confusion than they cause. The reference to lands acquired under the Act of March 1, 1911 (16 U.S.C. 513–519), was deleted because the lands, although not subject to leasing under the Mineral Leasing Act of 1920, are subject to leasing under the acquired lands authorities set forth elsewhere in the final rulemaking. The scope of paragraph (e) of the proposed and final rulemaking is based on the clear intent of the Congress as expressed in Senate Report No. 161, 80th Cong., 1st Sess. 3 (1947) and House Report No. 550, 80th Cong., 1st Sess. 3 (1947).

Section 3500.9–1 Consent and consultation.

There were several comments on this section of the proposed rulemaking. Some of the comments suggested that the specific status requiring consent be added to the final rulemaking. Other comments were of the view that the final rulemaking should include all surface management agencies, within, as well as outside, the Department of the Interior. Paragraphs (a) and (b) of the proposed and final rulemaking are advisory, while paragraph (c) is for the purpose of establishing a procedure for applicants to use in pursuing administrative remedies in agencies outside of the Department of the Interior. The requirement for consent on public domain lands is contained in numerous statutes that affect only a small amount of acreage, such as recreation areas within National Forest System lands. The most significant agency with statutory consent authority for public domain lands is the Department of Defense (43 U.S.C. 158). The final rulemaking would not be improved by listing all of these statutes. The final rulemaking adopts with only minor changes the language of the proposed rulemaking except that paragraph (b) pertaining to acquired lands has been amended to include permits in the requirement for consent by the surface management agency.

Section 3500.9–2 Ownership of surface overlying Federally-owned minerals by a State or charitable organization.

The final rulemaking has retitled this section for clarity.

Section 3500.9–3 Management of Federal minerals from reserved mineral estates.

In response to a comment, the final rulemaking has added a new section covering the right to prospect for, mine and remove minerals reserved to the United States under statutes set out in the section. This section is needed to clarify when those reserved minerals are subject to permitting or leasing.

Section 3501.1–1 Public domain.

Four comments were received on this section of the proposed rulemaking. The final rulemaking has not adopted the suggestion in one comment that would require an applicant to submit maps on unsurveyed public domain lands because such a requirement would place an unnecessary burden on the applicant. The final rulemaking has reinstated as a clarification the suggestion in one of the comments that unsurveyed public domain lands must be surveyed prior to the issuance of a lease.

One comment suggested that the provision of the final rulemaking adopt the provisions of the existing regulations for describing unsurveyed lands in Alaska. Such a provision has not been adopted by the final rulemaking because the lands in Alaska which have not been surveyed under the rectangular system of survey are covered by approved protraction surveys.

A final comment questioned whether omission of the 6-mile rule in the proposed rulemaking was intentional. The 6-mile rule has been omitted by both the proposed and final rulemaking because the requirement for reasonably compact form is sufficient.

Section 3501.1–2 Acquired lands.

One comment on this section of the proposed rulemaking suggested that the final rulemaking be changed to require an applicant for unsurveyed acquired lands to make application for only entire tracts. This suggestion has not been adopted by the final rulemaking because the final rulemaking requires the applicant to furnish an adequate description of the lands sought. Requiring the applicant to file an application for an entire tract would require the Bureau of Land Management to provide a description if only part of the lands in the tract are leased.

Section 3502.1 Who may hold leases.

A few of the comments on paragraph (a) of this section of the proposed rulemaking correctly stated that the Mineral Leasing Act of 1920 permits municipalities to hold mineral leases only for coal, oil, oil shale or gas. Therefore, the final rulemaking deletes the reference to municipalities in this section. A comment suggesting that the last sentence of paragraph (a) of the proposed rulemaking be moved to paragraph (b) was not adopted because paragraph (a) applies to all leases but

paragraph (b) applies only to leases of leasable minerals.

Section 3502.2 Qualifications and holding statements.

The concerns of one comment addressing the need for qualifications and holding statements have been carefully considered. Applications for a lease under group 3500 are not made on a form on which the applicant may simply sign a certification of his/her qualifications to hold a lease as is the situation for applications filed under group 3100 of this title. Moreover, the regulations in group 3100 were changed due to the burden created by the vast number of applications filed, as well as with the expressed intent of replacing the disclosure requirements with selective audits to verify compliance (47 FR 8544, February 26, 1982). In recognition of the above set out discussion, the final rulemaking does not adopt the comment's suggestion to delete the requirement for qualification and holding statements. The limited number of lease applications filed under group 3500 does not justify the expense of implementing the kind of changes devised for use in connection with the massive filings under group 3100. In response to a suggestion in a comment to delete § 3502.2–4(e) of the proposed rulemaking concerning aggregate foreign stockholding, the final rulemaking has limited the provision to instances where the holdings are greater than 10 percent. The change makes citizenship disclosures consistent with other provisions of the regulations, while allowing the Bureau of Land Management to obtain sufficient information to enable it to respond to concerns over foreign investment in Federal minerals.

Section 3503.1–2 Where remitted.

The final rulemaking has adopted a suggestion of one comment that the address for the Minerals Management Service should be set out in the regulations. The additional suggestion that the addresses of the proper BLM offices should be listed in the regulations was not adopted by the final rulemaking because those addresses for State offices are already set out in § 1821.2–1.

Section 3503.2–2 Minimum production and royalty.

Five comments on this section of the proposed rulemaking indicate some misunderstanding expressing the view that the section had been changed to require the payment of minimum royalty beginning with the first lease year instead of the sixth lease year as provided in the existing regulations. No such change was intended. The final rulemaking contains a revised section to eliminate any chance of misunderstanding.

Two comments objected to the requirement of the proposed rulemaking for written consent of the authorized officer before the lessee would be allowed to pay minimum royalty in lieu of production on an annual basis. The comments expressed concern that the proposed rulemaking appears to give the authorized officer the authority to force minimum production or relinquishment of their lease, placing a lessee's reserves in jeopardy, but felt that any such decision as to whether to produce from the lease or pay advance royalties should rest with the lessee. The final rulemaking has been amended to require minimum production or the payment of advance minimum royalty. The prior consent requirement has been eliminated. The Department of the Interior agrees with the view expressed in a comment that the decision whether to produce or pay minimum royalty is one that is primarily with the lessee. However, the final rulemaking does not adopt the view that this decision is an absolute right of the lessee.

One comment requested that any minimum royalty payment be recoverable from production royalties when production begins. The proposed rulemaking provides that minimum royalties paid for any year are to be credited only to that year. The final rulemaking has not adopted this request because allowing the minimum royalties to be credited to later years would defeat the purpose of requiring a minimum royalty, which is to encourage production, and because crediting is not authorized by the Mineral Leasing Act of 1920.

Section 3503.2–3 Limitation of overriding royalties.

Four comments opposed the inclusion in this section of the proposed rulemaking of the 1 percent limitation on overriding royalties. After a careful review of the comments, the final rulemaking has adopted the language of the proposed rulemaking with clarifying changes. However, the Department of the Interior will study the continuing need for these provisions and if a decision is made to eliminate them, the elimination will be the subject of a future rulemaking which will allow public comment.

Section 3503.2–4 Waiver, suspension or reduction of rental, minimum royalty or royalties.

One comment on this section of the proposed rulemaking recommended the elimination of the waiver and reduction of overriding royalty by the final rulemaking. The final rulemaking has not adopted the recommendation because the experience of the Department of the Interior in connection with the leasing of minerals on the public lands show that an excessive overriding royalty reduces the incentive of a lessee to produce from the lease. The excessive overriding royalty reduces the benefit the lessee obtains from production and can lead to an early abandonment of the lease. As the owner of the minerals covered by a lease, the United States is interested in obtaining maximum production and royalties from a lease and has an economic interest in all activities, including the imposition of an excessive overriding royalty that might reduce the level of production and benefit enjoyed by the public from the public lands and their resources. As discussed in the previous section, the issue of overriding royalty will be the subject of a study by the Department of the Interior.

Section 3503.3–1 Suspension of operations and production.

Three comments were received on this section of the proposed rulemaking. The comments questioned the authority for initiation of suspension of operations on a lease by the lessor. The authority to order or agree to a suspension of operations and production in the interest of conservation is found in 30 U.S.C. 209. Therefore, the final rulemaking adopts, without change, the language of the proposed rulemaking.

Section 3503.3–2 Suspension of operations.

Three comments on this section of the proposed rulemaking suggested that the final rulemaking add language that makes it clear that a suspension of operations is initiated by the lessee and such action is responded to by the authorized officer within 60 days. The final rulemaking has adopted this suggestion in part and amends the section to clarify who initiates the request for a suspension of operations and the response to be made by the authorized officer. The final rulemaking does not adopt the suggestion that the authorized officer must respond within 60 days. Under normal circumstances, an application will be processed in less than 60 days, but the processing work for very complex applications could

require more than 60 days, thus no purpose would be served by placing the 60-day requirement in the regulations for such cases.

Subpart 3504—Bonds

Eight comments, including a comment under § 3562.7 of the proposed rulemaking, address bonding in the proposed rulemaking. One comment questioned the need for bonds, recommending instead that those permittees or lessees who default on the terms and conditions of a lease be prosecuted. Three comments requested that bonds not be required until after issuance of the permit or lease, but prior to entry on the lands covered by the permit or lease because of their view that no liability occurs until after surface disturbance has occurred. These comments also expressed the view that until an exploration plan or mining plan has been filed, the authorized officer does not have sufficient information on which to base the amount of the bond. Two comments suggested that the final rulemaking expand the bonding provisions of the proposed rulemaking to include self bonding similar to that permitted by the regulations of the Office of Surface Mining (30 CFR 800.5(c)). Another comment correctly pointed out that the proposed rulemaking erroneously shows the minimum nationwide bond amount as $150,000 rather than $75,000 now required by the existing regulations. A suggestion made by another comment was that the language of the proposed rulemaking covering termination of liability be changed to require the release of existing bonds within 30 days of filing an acceptable alternative bond(s). A final comment expressed the view that the final rulemaking should provide that bond liability would not be terminated without notification from the surface management agency that reclamation requirements have been met.

All of these comments were carefully considered during the decisionmaking process on the final rulemaking. Bonds are required to protect the United States in the event the permittee or lessee defaults in the performance or observance of any of the terms, conditions or stipulations of the permit or lease and the permittee or lessee is either financially unable, or otherwise refuses, to correct the default, e.g., if a lessee refuses to pay royalty, the United States can collect from the surety. Thus, to ensure that the United States is protected, the final rulemaking adopts the provisions of the proposed rulemaking requiring that a bond be filed prior to issuance of a permit or lease. However, the authorized officer will use sound judgment in not setting bond amounts over and above that which is necessary to adequately protect the United States. The authorized officer will be able to adjust bond amounts when it is deemed necessary because § 3504.1–4(b) has been changed by the final rulemaking to allow lowering of bond amounts, as well as increasing bond amounts, when conditions warrant. In order to clearly show the applicability to statewide and nationwide, as well to individual permit and individual lease bonds, the final rulemaking places § 3504.1–4(b) of the proposed rulemaking in a new § 3504.1–6.

The suggestion to include self bonding has not been adopted by the final rulemaking because the adoption of the requirements of the Office of Surface Management regulations, even with much lower dollar amounts for "tangible net worth" and "fixed assets" would permit qualification by only very large companies, thus excluding most individual companies and lessees. The bonding issue is presently being reviewed by a Bureau of Land Management task force and any changes made as a result of that review will be incorporated into group 3500 through the rulemaking process.

The final rulemaking amends the proposed rulemaking to show that the minimum nationwide bond is $75,000, the same amount as in the existing regulations.

The suggestion to require the authorized officer to release bonds within 30 days of the filing of an acceptable alternative bond, the phrase used in the proposed rulemaking, has not been adopted by the final rulemaking because the existing surety's period of liability is merely terminated as of the date of an acceptable replacement bond, the phrase that has been adopted by the final rulemaking, is filed. The permittee or lessee and the existing surety continue to be responsible for any and all obligations that may have accrued on the permit or lease prior to the filing of the acceptable replacement bond. Only when an acceptable replacement bond which has been conditioned to accept all outstanding obligations under a permit or lease is filed can an existing bond be released.

The final rulemaking has not adopted the suggestion that the surface management agency must be notified prior to the termination of bond liability. This change is not needed because under standard Bureau of Land Management procedures, the period of bonded liability is not terminated until the authorized officer is assured that all terms and conditions, including any special stipulations, such as reclamation requirements, have been met.

Section 3506.3–3 Overriding royalty interests.

At the suggestion of one comment, the final rulemaking expands the provisions of the proposed rulemaking to clearly show that a filing fee is required with the filing of an overriding royalty assignment.

Section 3506.4 Permit or lease account status.

The proposed rulemaking provided that an assignment cannot be approved unless the account is in good standing. The current position of the Minerals Management Service is that it cannot provide the current financial status of an account without an audit. One comment, in recognition of this situation, pointed out that the requirement for an audit will not permit timely processing of assignments. For this reason, the final rulemaking expands the proposed rulemaking to provide a procedure which allows an assignee and his/her surety to accept all outstanding liabilities of an assignor in order to facilitate the timely approval of an assignment.

Subpart 3507 Fractional and Future Interest Permits and Leases.

A couple of comments were received on this subpart of the proposed rulemaking. The comments indicated some confusion about these provisions. After careful review of the provisions of the proposed rulemaking, the final rulemaking has adopted several clarifying amendments. The principal clarification allows noncompetitive leasing of future interests for lands which are part of an existing mining operation upon payment of the fair market value of the minerals at the time of vesting of title of the minerals in the United States because it would be unfair to allow the possibility of loss of reserves where a party has expended money and effort in developing a mine. Protection of the public interest is assured by requiring the payment of the fair market value of the minerals as a condition for receiving a lease.

Subpart 3508 Mineral Lease Exchange.

One comment on this subpart of the proposed rulemaking suggested that the final rulemaking include a statement requiring surface management agency consultation/consent. The comment was not adopted by the final rulemaking

because this subpart has been clarified to provide that a lease will be issued only in accordance with the regulations in group 3500 which includes the surface management agency consent requirements. Another comment on this subpart of the proposed rulemaking suggested the addition of language dealing with the presence of hazardous waste on lands proposed for an exchange. The final rulemaking has adopted this suggestion and added language that would prohibit a proposed exchange of lands found to contain hazardous waste.

Section 3509.1–1 Prospecting permits.

Two comments on this section of the proposed rulemaking requested clarification of this section. The final rulemaking amends the last sentence of the section to clarify that lands covered by a relinquishment are available for new applications upon the notation of the relinquishment on the official status records. One comment wanted to know why relinquished lands are not available until notation of the relinquishment on the official status records. The reason for this requirement is to give everyone equal notice of the availability of the lands.

Section 3509.1–2 Leases.

A comment on this section of the proposed rulemaking suggested that the final rulemaking specify that lands subject to a relinquishment shall be available for lease sale by application or motion of the Bureau of Land Management immediately upon notation of the relinquishment on the official status records. This comment has not been adopted by the final rulemaking because it is not needed in instances of competitive leasing.

Section 3509.3–1 Prospecting permits.

One comment on this section of the proposed rulemaking suggested that the final rulemaking should, for consistency, provide for notation of the expiration of a prospecting permit on the official status records. The official status records show the presence of a prospecting permit or an extension of such a permit. Since all prospecting permits have an initial term of two years and the extension, if any, is set by statute or regulation, an applicant for a prospecting permit can determine the date of expiration of a prospecting permit or extension by reviewing the official status records and case file. Further, the Bureau of Land Management's regulations provide a 60-day period to allow the holder of a prospecting permit sufficient time to file an application for a preference right lease. During that 60-day period, the expiration of an existing prospecting permit or extension will be noted on the official status records, giving the public adequate time to file on the lands if no application for a preference right lease is filed.

Section 3509.4–1 Prospecting permits.

This section of the proposed rulemaking was the subject of two comments. The first comment suggested that the final rulemaking amend the first sentence of this section if a companion comment on section 3509.4–2 is adopted by the final rulemaking. The comment has not been adopted by the final rulemaking because the companion comment has not been adopted.

The second comment on this section of the proposed rulemaking, which has been adopted by the final rulemaking, suggested the addition of a new paragraph that provides for notation of the official status records of the cancellation of an outstanding prospecting permit to give the public notice of the availability of the lands for application for a like prospecting permit.

Section 3509.4–2 Leases.

This section of the proposed rulemaking was the subject of two comments. One comment recommended that final rulemaking insert the phrase "rents and royalties." This comment has not been adopted by the final rulemaking because rents and royalties are a term and condition of a lease and are covered by that phrase in this section. At the suggestion in a second comment on this section, the final rulemaking has been expanded to include a new paragraph (c) that includes the cancellation authority of the Secretary of the Interior. The administrative cancellation of leases improperly issued, e.g., a lease mistakenly issued for lands in a designated wilderness area, was recognized as proper by the Supreme Court in *Boesche* v. *Udall*, 373 U.S. 472 (1963).

Section 3509.4–3 Bona fide purchaser.

One comment on this section of the proposed rulemaking expressed the view that the bona fide purchaser provision of the Mineral Leasing Act of 1920 is not applicable to asphalt in Oklahoma or hardrock minerals. The law authorizing the leasing of asphalt in Oklahoma, the Act of June 28, 1944 (58 Stat. 463, 483), makes the general provisions of section 27 of the Mineral Leasing Act of 1920 (30 U.S.C. 184), applicable. This reference includes later amendments of section 27. With regard to hardrock minerals, the Secretary of the Interior may establish any reasonable procedures for the management of leases for these minerals. This comment has not been adopted by the final rulemaking.

The language of the proposed rulemaking that conditioned the assignee's status as a bona fide purchaser upon approval of the assignment by the Bureau of Land Management has been deleted by the final rulemaking because it is inconsistent with judicial interpretation of section 27(h) of the Mineral Leasing Act of 1920 (30 U.S.C. 184(H)) (e.g., *Winkler* v. *Andrus*, 614 F.2d 707, 711–712).

Section 3510.1 Leasing procedures.

One comment on this section of the proposed rulemaking suggested the deletion of the word "entities" and its replacement with the word "applicants." This suggestion has been adopted by the final rulemaking because it clarifies the intent of the section. The final rulemaking has adopted this suggestion in §§ 3520.1, 3530.1, 3540.1, 3550.1, 3560.1 and 3570.1 to make the related sections consistent.

Section 3511.4 Readjustment.

Several comments on this and related sections of the proposed rulemaking recommended the deletion of the requirement for a 2-year notification prior to the end of the 20-year lease period. The comments also suggested the final rulemaking add language that would make readjustment effective, unless the authorized officer determines otherwise, during the pendency of an objection or appeal. The comments further requested that the final rulemaking clarify that a lessee must pay rental, minimum royalties and royalties, during the pendency of an objection or appeal. The payments would be those required by the terms and conditions of the lease prior to readjustment. As a result of the review of the comments on this section, the final rulemaking totally revises this section and the related sections on readjustment to incorporate the changes suggested in the comments.

Section 3511.7 Special stipulations.

One comment requested the deletion of this section of the proposed rulemaking on the basis that it gives the authorized officer a "blank check" to require stipulations in a lease, stipulations that should be required only in the mining plan. This comment has not been adopted by the final rulemaking because this section is intended to provide maximum flexibility

to the authorized officer because he/she is the official that is most knowlegeable on specific issues relating to a specific lease. Although the Bureau of Land Management also has the authority to place appropriate stipulations in a mining plan, including stipulations in a lease contract will condition the rights granted the lessee and provide greater protection to the resources involved.

Section 3512.1 Areas subject to prospecting.

Two comments on this section of the proposed rulemaking suggested that the final rulemaking retain the language of the existing regulations on this subject because of their view that the section in the existing regulations more adequately expresses the intent of the law. The final rulemaking has adopted a change in this section and related sections of the proposed rulemaking that clarifies which public domain and acquired lands are available for prospecting permits.

Section 3512.3–3 Exploration plans.

Several comments on this section and related sections of the proposed rulemaking recommended that the final rulemaking retain the provisions of the existing regulations which do not require the filing of an exploration plan until after issuance of the permit, but prior to entry on the lands covered by the prospecting permit. One comment suggested compromise language which has been adopted for this section and related sections by the final rulemaking.

The compromise requires the filing of the exploration plan when requested by the authorized officer, but only after preliminary adjudication of the application for the prospecting permit has been completed in order to determine such issues as the qualifications of the applicant, the availability of the lands covered by the application and the proper completion of the permit application form. Under this compromise, an applicant will not have to expend labor and money for developing an exploration plan until there is reasonable assurance that the permit can issue, but will allow the authorized officer to obtain the information needed for development of environmental studies. This process will also allow for the exploration plan and the prospecting permit to be approved simultaneously. In addition, the final rulemaking makes several changes for clarity.

Section 3512.8 Terms and conditions of permits.

Section 3512.8–1 of the proposed rulemaking has been amended by the final rulemaking to clarify that exploration operations that are part of an approved existing exploration plan may continue if the permittee has timely filed an application for extension of the permit. This change is necessary to comply with the law (see Solicitor's Opinion M–36943, 89 I.D. 173, 179 (1982); *Rosebud Coal Sales Co.* v. *Andrus*, Civil No. 78–261 (D. Wyo. October 17, 1979). This clarifying change is also made to the sections of the final rulemaking covering the duration of a permit for appropriate minerals to reflect this principle and to allow approved exploration activity to continue until the permit has been extended. Of course, any information obtained during this period may be used to support a preference right lease application.

This legal principle is also applicable to sodium, sulphur, asphalt and hardrock leases which reach their expiration date while a timely filed application for renewal is pending.

Section 3513.1–2 Contents of application.

One comment on this section of the proposed rulemaking recommended an amendment that would limit the application for a preference right lease to those lands reasonably needed to develop the discovery. The final rulemaking has not adopted the recommendation in this section or any of the related sections because the Mineral Leasing Act of 1920 and the regulations provide that a preference right lease applicant may have any or all of the lands covered by the prospecting permit that is the basis of the preference right lease, but no additional lands.

Subpart 3514—Exploration License

One comment on this subpart of the proposed rulemaking expressed concern that the rulemaking might be broadly applicable and recommended that the final rulemaking limit its applicability if this interpretation was correct. The final rulemaking has not adopted the recommended change in this subpart or any of the related subparts because they are only applicable to lands under the jurisdiction of the Bureau of Land Management and would not involve lands under the jurisdiction of another surface management agency.

Three comments on this subpart of the proposed rulemaking were directed to § 3514.5. One suggested that the information submitted in connection with an exploration license should remain proprietary for a period of 5 years. The other comment expressed the view that the final rulemaking should not require the submission of any information obtained in connection with an exploration license until the lease has issued or until one year after the expiration of the exploration license. The final rulemaking has not adopted either of the suggestions but does amend the proposed rulemaking in this and all related sections to make them consistent with the provisions of the Freedom of Information Act.

Section 3515.4 Bid opening.

One comment on this section of the proposed rulemaking suggested that the final rulemaking amend this section and all related sections to specifically include procedures for both sealed bids and public auctions. The final rulemaking has not adopted this suggestion because the rulemaking allows the authorized officer to determine what would be the best procedure to be used in connection with a lease sale and to set forth in the notice of competitive sale the bidding methods and the procedure that he/she determines to be the best bidding method for that particular sale.

Section 3517.1 Use permits.

One comment on this section of the proposed rulemaking indicated that the final rulemaking needed to clarify that the section is not applicable to lands within the boundaries of the National Forest System. The final rulemaking has adopted the recommended change and the section clearly states that it is not applicable to lands within the National Forest System

Section 3517.1–2 Rental.

A comment on this section of the proposed rulemaking, which has been adopted by the final rulemaking, expressed the view that the section could be clarified and suggested language to that end.

Section 3521.2–1 Rental.

The final rulemaking has adopted the suggestion of one comment on this section of the proposed rulemaking to clearly show that the rental for a lease is due annually on or before January 1. This same change has been made by the final rulemaking in the other related sections.

Section 3521.2–2 Production royalty.

A comment on this section of the proposed rulemaking expressed the view that the minimum production royalty required by the section was too high. The final rulemaking has adopted the language of the proposed rulemaking because the minimum production royalty required for a lease for sodium is set by the minimum production royalty required for a lease for sodium is set by

the Mineral Leasing Act of 1920 (30 U.S.C. 262) at a minimum of 2 percent. After the lease is issued, the lessee can apply under § 3503.2–4 for waiver, suspension or reduction of rental or minimum royalty or reduction of royalty.

Subpart 3526 Noncompetitive Leasing—Fringe Acreage Leases and Lease Modifications

One comment on this subpart of the proposed rulemaking suggested that modified or fringe acreage lease applications be made public in the same manner as competitive leases to ensure that the final result of private negotiations in connection with such leases would be available to the public just as the conditions of competitive leases are known to the public. The final rulemaking has not adopted this suggestion because the case files on all leases and lease applications are open and available for public review. Further, the sales under this section are not negotiated sales, but are based on the payment of the fair market value of the mineral covered by the lease.

Section 3528.1 Applications.

There comments on this section and related sections of the proposed rulemaking questioned the need for the requirement to file an application for renewal at least one year before lease expiration. The final rulemaking has adopted this suggestion in this section and all related sections and requires the filing of the application at least 90 days before lease expiration, rather than the one year required by the proposed rulemaking.

Section 3530.3 Allowable acreage holdings.

The Bureau of Land Management received two hundred and twenty-three comments in response to its request for public comment on this section. All of the comments requested an increase in the allowable acreage for potassium. Two hundred six of the comments requested an increase in lease holdings to 51,200 acres in any one state in order to allow current lessees to obtain new leases while retaining their present lease holdings. This would permit them to be competitive with foreign markets. Seventeen comments requested the acreage be increased to 153,600 acres in any one state to allow adequate acreage for extraction from concentrated brines. These comments have been adopted in part by the final rulemaking, in that it allows 51,200 acres to be held under lease and prospecting permits. To provide for adequate acreage for extraction from concentrated brines, the final rulemaking permits the authorized officer to allow additional holdings, the acreage to be determined on a case-by-case basis.

Section 3533.3 Issuance of lease.

The comment on this section of the proposed rulemaking indicated that the proposed rulemaking contained a phrase that was not part of the existing regulations and requested that the final rulemaking delete it. A careful review of the comment and the existing regulations shows that the phrase in question is part of the existing regulations. Therefore, the final rulemaking has adopted the proposed rulemaking without change.

Part 3550—Asphalt in Oklahoma and Gilsonite (Including all Vein-Type Hydro-Carbons).

This part of the proposed rulemaking was the subject of five comments.The proposed rulemaking provided for all competitive leasing program for "Gilsonite" because of the assumption that all "Gilsonite" deposits were already known. Although most of the unleased Federal lands in the Uintah Basin near Bonanza, Utah, embrace known deposits of "Gilsonite," the comments received on this part indicate that there are other lands in Utah and Colorado which may contain "Gilsonite" deposits, but exploratory work is needed to determine their existence and workability. For this reason, the prospecting permit/preference right lease system used in other sections of the proposed rulemaking is being reinstituted by the final rulemaking in the revised part 3550. The provisions covering asphalt in Oklahoma have been moved to part 3570.

The preamble of the proposed rulemaking stated that as of the date of the publication of the proposed rulemaking, the Bureau of Land Management would no longer issue prospecting permits for "Gilsonite." This statement was the subject of several comments, all of which asked that all existing applications for prospecting permits be reviewed on a case-by-case basis and if the lands do not contain a known deposit of "Gilsonite," that the permits be issued, all else being proper. In response to these comments, the Bureau of Land Management will process all outstanding applications for prospecting permits under the procedures provided by the final rulemaking.

Two comments on this part of the proposed rulemaking were of the view that the maximum acreage set for a fringe acreage lease or lease modification for "Gilsonite" was excessive. The view expressed in the comments was not adopted by the final rulemaking because the maximum lease size for "Gilsonite" is set by statute and this limitation, together with the other requirements of this part for a fringe acreage lease and lease modification should prevent excessive lease acreage holdings. In addition, several comments pointed out that the acreage for a fringe acreage lease or a modified lease for asphalt was incorrect in the proposed rulemaking. The final rulemaking, in recognition of this error, changes the acreage figure to 640 acres for asphalt.

One of the comments pointed out the term "Gilsonite" is a registered trademark name. The owner of the trademark indicated in their comments that they would not object to the use of the term in the regulations if it were recognized as a registered trademark. The trademark registration papers indicate that the trademarked term is for a commercial product rather than for ore in the bround as the Congress used the term in the Combined Hydrocarbon Leasing Act of 1981 and in other statutes at least as far back as the Act of June 7, 1897 (30 Stat. 62, 87). The final rulemaking, when using the term "Gilsonite,," capitalizes the word and sets it off in quotes to avoid controversy over the registered status of the term.

Part 3560—Hardrock minerals

The existing regulations on hardrock mineral leasing provide that the discovery of a valuable mineral deposit within the term of a prospecting permit entitles the permittee to a preference right lease. The proposed rulemaking reorganized and reformatted this provision but did not change the sense of that provision. A comment requested that the final rulemaking change this provision so that discovery of a valuable mineral deposit during the term of a prospecting permit would entitle the permittee to be preferentially considered for a lease only. The comment also requested that the final rulemaking provide for rejection of a preference right lease for lands under the jurisdiction of a surface management agency outside of the Department of the Interior if that agency withholds its consent to lease. The existing regulations and the proposed rulemaking both provide for prospecting permits, as well as preference right leases, to be stipulated so that lease issuance, exploration and/or development of any anticipated valuable mineral deposit are accomplished in an environmentally acceptable way and to ensure the adequate utilization of the lands for the primary purposes for which they have

been acquired or are being administered. The concerns expressed in the comment were given careful consideration and the Bureau of Land Management determined that nothing in the proposed rulemaking was intended to change the current practice of requiring the inclusion of conditional stipulations in prospecting permits in appropriate cases. Because of the existence of this stipulation authority, the recommended changes contained in this comment have not been adopted by the final rulemaking.

Several comments on § 3560.3–1 of the proposed rulemaking pointed out that the citation of the Weeks Act was incorrect. The final rulemaking has amended the citations in paragraph (a) and set them off in quotes to show that they are a direct quotation from Reorganization Plan No. 3 of 1946.

The final rulemaking has adopted the suggestion from one comment on § 3560.3–3 of the proposed rulemaking to add the word "Alaska" to the title of the section to eliminate any possible confusion between lands with similar titles in Alaska and in New Hampshire.

Several comments on § 3560.4 of the proposed rulemaking objected to the proposed rulemaking's elimination of the phrase "in any one state" that appeared in the existing regulations. The final rulemaking has added this phrase which was inadvertently omitted by the proposed rulemaking.

Several comments on § 3560.7 of the proposed rulemaking objected to the section because it appeared to have broad application. This section of the proposed rulemaking was not intended to authorize specimen collection on Federal lands but to recognize that this activity is regulated by the appropriate surface management agency. A change has been adopted by the final rulemaking to reflect this intent.

A comment on § 3560.3–1 of the proposed rulemaking, as well as other related sections, suggested that the annual rental payments for prospecting permits be moved to part 3500. The final rulemaking has not adopted the suggestion because it is a logical portion of the filing requirements for a prospecting permit which is set forth in the part for each individual mineral.

Two comments on the acreage limitation provisions of § 3562.3–2 of the proposed rulemaking suggested that the acreage for a single prospecting permit be increased. The final rulemaking has not adopted this suggestion because a permittee can hold any number of permits as long as the total acreage of all leases and permits does not exceed 20,480 acres in any one state.

One comment on § 3562.8–4 of the proposed rulemaking expressed the view that a provision that appears in § 3501.2–6(b) of the existing regulations should be added to this section by the final rulemaking. The final rulemaking has not adopted this suggestion because the language discussed in the comment appears in § 3500.9–2 of the final rulemaking and does not belong in this section.

Several comments on § 3562.9–1 of the proposed rulemaking expressed the view that the requirement for proof for entitlement to an extension of a prospecting permit is too specific. The final rulemaking has not made any change in this section because the primary term of the prospecting permit allows sufficient time to begin exploration and any extension is discretionary and should only be granted upon an adequate showing that steps are being taken to determine the existence or workability of a valuable mineral deposit.

A few comments on § 3563.1–2 of the proposed rulemaking requested that the allowable acreage for a single hardrock preference right lease be increased to 5,120 acres. The final rulemaking has not adopted this request because a preference right lease holder can hold any number of leases as long as the total acreage for all leases and permits does not exceed 20,480 acres.

One comment on § 3563.2 of the proposed rulemaking, which was improperly numbered, suggested the addition of language permitting the Secretary of Agriculture to request from a preference right lease applicant supplemental data for use in preparing environmental analyses and special stipulations. The final rulemaking, in addition to properly numbering the section, has added language that adopts the comment's suggestions.

One comment specifically requested that subpart 3505 of the existing regulations be retained by the final rulemaking. Since subpart 3505 of the existing regulations affects only hardrock minerals, the proposed and final rulemakings have revised those provisions and moved them to subpart 3567, which is entitled "Development contracts."

Part 3570—Special leasing areas

The final rulemaking has renumbered this part as part 3580 in order to accommodate the addition of a new part 3550 for "Gilsonite," which has been included in part 3550 with asphalt in Oklahoma. The final rulemaking has moved asphalt in Oklahoma to a new part 3570.

Two comments on the part of the proposed rulemaking suggested that the leasing provisions for gold and silver in confirmed private land grants and the reserved minerals in certain lands patented to the State of California may no longer be needed. The comments requested figures on the number of applications filed under these provisions during the past 25 years. It is possible that the special leasing provisions are no longer needed. However, the final rulemaking continues the provisions in the event that an application is filed.

One comment on § 3572.3 of the proposed rulemaking requested that exploration licenses be included in the consent provisions of this part. The final rulemaking has not adopted this request because exploration licenses are only issued for lands under the jurisdiction of the Bureau of Land Management and no consent is required.

Two comments on § 3573.2 of the proposed rulemaking recommended that the phrase "or permit" be deleted. The final rulemaking has not adopted this recommendation in recognition of the fact that prospecting permits may be issued for leasable minerals in the Shasta and Trinity Units of the Whiskeytown—Shasta—Trinity National Recreation Area.

One comment on § 3573.4–3 of the proposed rulemaking suggested that the reference to the National Park Service in this section is incorrect. The final rulemaking has removed the reference to the National Park Service and replaced it with a reference to the United States Forest Service.

One comment on § 3575.3 of the proposed rulemaking requested that the special status afforded holders of unperfected mining claims in the White Mountains National Recreation Area—Alaska be recognized by the final rulemaking. The final rulemaking has adopted a number of changes in subpart 3575 to recognize the special status afforded holders of unperfected mining claims.

One comment on § 3575.3–2 of the proposed rulemaking expressed particular concern about the two-year time limit on the filing of mining claimant preference right lease applications. The final rulemaking has adopted a change to this section which makes it clear that the two-year period for filing of applications for mining claimant preference right leases commences on the date the Secretary of the Interior opens the lands to permit the removal of minerals, consistent with the provisions of the Alaska National Interest Lands Conservation Act. The Bureau of Land Management expects

that the lands will be opened in 1986 by publication of a public land order in the Federal Register, which order also will be posted in the Bureau's Alaska offices.

One comment on § 3575.4–1 of the proposed rulemaking expressed the view that the survey required for exploration licenses was excessive. The proposed rulemaking did not intend to require a survey for exploration licenses, but only for mining claim preference right leases because those leases may include only lands within mining claims. The proposed rulemaking has been adopted without change by the final rulemaking.

A comment on § 3575.5–6 of the proposed rulemaking opposed the requirement for publication and posting of the notice of participation and requested its deletion. The final rulemaking has not adopted this request in this or any of the related sections because the Bureau of Land Management, in meeting its responsibility for protecting the public lands and their resources, takes responsible steps to limit the number of entities that are engaged in activities that can cause needless damage to those lands and resources. Reducing, where possible, the number of individuals or corporations entering the same public lands for similar or identical exploration purposes assist in this effort.

Subpart 3576 Nevada

A comment on § 3576.1–1 of the proposed rulemaking requested that the final rulemaking allow the processing of all applications for sand and gravel in Nevada on file on April 12, 1985, the date of publication of the proposed rulemaking, be processed. The final rulemaking has adopted this request and all applications for sand and gravel in Nevada pending on April 12, 1985, will be processed under § 3563.2 of the existing regulations. Any leases issued as a result of these applications, will be subject to the provisions of this final rulemaking.

Two comments on § 3576.1–2 of the proposed rulemaking questioned the provision limiting the assignability of existing sand and gravel leases. The final rulemaking, in recognition of the question raised in the comments, deletes the language on limitation on assignments and adopts language which limits lease renewals to those leases producing sand and gravel or which are a part of an existing sand and gravel operation at the expiration of the lease term. The adoption of this language by the final rulemaking authorizes the renewal of a producing lease when the lessee agrees to any additional terms and conditions, a discretionary authority that was reserved to the authorized officer in § 3563.2–4(g) of the existing regulations.

In recognition of the addition of a new separate part for "Gilsonite," the final rulemaking has amended paragraph A of the first provision of the proposed rulemaking by deleting the phrase "part 3570 as part 3580" and replacing it with the phrase "part 3570 as part 3590". It also amends paragraph B of the proposed rulemaking by deleting the phrase "adding a new part 3570" and replacing it with the phrase "adding new parts 3570 and 3580".

Editorial and grammatical corrections have been made as needed.

The principal author of this final rulemaking is Marcia E. Rohn, Division of Solid Mineral Leasing, assisted by the staff of the Office of Legislation and Regulatory Management, both of the Bureau of Land Management, and the staff of the Office of the Solicitor, Department of the Interior.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and that it 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.).

The final rulemaking is a revision of existing regulations and will not change in any substantive manner the procedures imposed by the existing regulations. The principal purpose of the final rulemaking is to streamline and simplify the procedures contained in the existing regulations. This will benefit all users equally.

The information collection requirements in this final rulemaking have already been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004–0030, 1004–0121 and 1004–0142.

List of Subjects

43 CFR Part 3500

Mineral royalties, Public lands—classification, Public lands—mineral resources, Surety bonds.

43 CFR Part 3510

Administrative practice and procedure, Mines, Public lands—mineral resources, Surety bonds.

43 CFR Part 3520

Administrative practice and procedure, Mines, Public lands—mineral resources, Surety bonds.

43 CFR Part 3530

Administrative practice and procedure, Mines, Public lands—mineral resources, Surety bonds.

43 CFR Part 3540

Administrative practice and procedure, Mines, Public lands—mineral resources, Surety bonds.

43 CFR Part 3550

Administrative practice and procedure, Mines, Public lands—mineral resources, Surety bonds.

43 CFR Part 3560

Administrative practice and procedure, Mines, Public lands—mineral resources, Surety bonds.

43 CFR Part 3570

Administrative practice and procedure, Mines, Public lands—mineral resources, Surety bonds.

43 CFR Part 3580

Administrative practice and procedure, Mines, Public lands—mineral resources, Surety bonds.

43 CFR Part 3590

Mineral royalties, Public lands—mineral resources.

Under the authority of the Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 et seq.), the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351–359), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Independent Offices Appropriation Act of 1952 (31 U.S.C. 483a), Reorganization Plan No. 3 of 1946 (16 U.S.C. 520), and the Alaska National Interest Lands Conservation Act (16 U.S.C. 460mm–2—460mm–4), Parts 3500, 3510, 3520, 3530, 3540, 3550, 3560, 3570, 3580 and 3590, Group 3500, Subchapter C, Chapter II of Title 43 of the Code of Federal Regulations are amended as set forth below.

J. Steven Griles,

Assistant Secretary of the Interior.

March 24, 1986.

Group 3500—[Revised]

1. Group 3500 is revised:

A. By redesignating Part 3570 as part 3590:

B. By Revising Parts 3500, 3510, 3520, 3530, 3540, 3550, and 3560, and adding new Parts 3570 and 3580 to read as follows:

Group 3500—Leasing of Solid Minerals Other than Coal and Oil Shale

Note.—The information collection requirements contained in Parts 3500, 3510,

3520, 3530, 3540, 3550, 3560, and 3570 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance numbers 1004–0030, 1004–0121 and 1004–0142. The information is being collected to permit the authorized officer to determine whether an applicant is qualified to hold a lease for exploration, development and utilization of leasable minerals other than coal and oil shale on the public lands. The information will be used to make this determination. A response is required to obtain a benefit.

PART 3500—LEASING OF SOLID MINERALS OTHER THAN COAL AND OIL SHALE

Subpart 3500—Leasing of Solid Minerals Other Than Coal and Oil Shale—General

Subpart 3501—Descriptions and Acreage

Subpart 3502—Qualification Requirements

Subpart 3503—Fees, Rentals and Royalties

Subpart 3504—Bonds

Subpart 3506—Assignments and Subleases

Subpart 3507—Fractional and Future Interest Permits and Leases

Subpart 3508—Mineral Lease Exchange

Subpart 3509—Relinquishment, Termination, Expiration, and Cancellation

Authority: The Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 et seq.); the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351–359); the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); Reorganization Plan No. 3 of 1946 (5 U.S.C. Appendix); Section 3 of the Act of September 1, 1949 (30 U.S.C. 192c); the Act of June 30, 1950 (16 U.S.C. 508(b)); the Act of June 8, 1926 (30 U.S.C. 291–293); the Act of March 3, 1933, as amended (47 Stat. 1487); Section 10 of the Act of August 4, 1939 (43 U.S.C. 387); the Act of October 8, 1964 (16 U.S.C. 460n et seq.); the Act of November 8, 1965 (16 U.S.C. 460q et seq.); the Act of October 2, 1968 (16 U.S.C. 90c et seq.); the Act of October 27, 1972 (16 U.S.C. 460dd et seq.); the Alaska National Interest Lands Conservation Act (16 U.S.C. 460mm–2–460mm–4); the Independent Offices Appropriations Act (31 U.S.C. 9701).

Subpart 3500—Leasing of Solid Minerals Other Than Coal and Oil Shale—General

§ 3500.0–3 Authority.

The statutory authority for the regulations in this group is as follows:

(a) *Leasable minerals.*—(1) *Public domain.* The Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181–287), including the Act of February 7, 1927 (30 U.S.C. 281–287), the Act of April 17, 1926 (30 U.S.C. 271–276), and the Act of June 28, 1944 (58 Stat. 483–485), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(2) *Acquired lands.* The Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351–359) and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(b) *Hardrock minerals.* (1) Section 402, Reorganization Plan No. 3 of 1946 (5 U.S.C. Appendix) transferred the functions of the Secretary of Agriculture relative to the leasing or other disposal of minerals to the Secretary of the Interior for lands acquired under the following statutes: (i) the Act of March 4, 1917 (16 U.S.C. 520); (ii) Title II of the National Industrial Recovery Act of June 16, 1933 (40 U.S.C. 401, 403(a) and 408); (iii) the 1935 Emergency Relief Appropriation Act of April 8, 1935 (48 Stat. 115, 118); (iv) section 55 of Title I of the Act of August 24, 1935 (49 Stat. 750, 781); (v) the Act of July 22, 1937 (50 Stat. 522, 525, 530), as amended July 28, 1942 (7 U.S.C. 1011(c) and 1018); and (vi) section 3 of the Act of June 28, 1952 (66 Stat. 285).

(2) Section 3 of the Act of September 1, 1949 (30 U.S.C. 192c) authorized the issuance of mineral leases or permits for the exploration, development and utilization of minerals, other than those covered by the Mineral Leasing Act for Acquired Lands, in certain lands added to the Shasta National Forest by the Act of March 19, 1948 (62 Stat. 83).

(3) The Act of June 30, 1950 (16 U.S.C. 508(b)) authorizes leasing of the hardrock minerals on National Forest lands in Minnesota.

(c) *Special acts.* (1) Gold, silver or quicksilver in confirmed private land grants are covered by the Act of June 8, 1926 (30 U.S.C. 291–293).

(2) Reserved minerals in lands patented to the State of California for parks or other purposes are covered by the Act of March 3, 1933 (47 Stat. 1487), as amended by the Act of June 5, 1936 (49 Stat. 1482) and the Act of June 29, 1936 (49 Stat. 2026).

(3) *National Park Service Areas.* Congress authorized mineral leasing, including the leasing of nonleaseable minerals in the manner prescribed by section 10 of the Act of August 4, 1939 (43 U.S.C. 387), in the following national recreation areas: (i) Lake Mead National Recreation Area—The Act of October 8, 1964 (16 U.S.C. 460n–et seq.) Whiskeytown Unit of the Whiskeytown-Shasta-Trinity National Recreation Area—The Act of November 8, 1965 (16 U.S.C. 460q–et seq.); (iii) Ross Lake and Lake Chelan National Recreation Areas—The Act of October 2, 1968 (16 U.S.C. 90c–et seq.) Glen Canyon National Recreation Area—The Act of October 27, 1972 (16 U.S.C. 460dd et seq.).

(4) *Shasta-Trinity Units of the Whiskeytown-Shasta-Trinity National Recreation Area.* Section 6 of the Act of November 8, 1965, (16 U.S.C. 460q–et seq.) authorizes mineral leasing, including the leasing of nonleasable minerals in the manner prescribed by section 3 of the Act of September 1, 1949, (30 U.S.C. 192c), on lands within the Shasta-Trinity Units of the Whiskeytown-Shasta-Trinity National Recreation Area.

(5) *White Mountains National Recreation Area.* Sections 403, 404, and 1312 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 460mm–2 through 460mm–4) authorize the Secretary of the Interior to permit the removal of the nonleasable minerals from lands or interests in lands within the recreation area in the manner described by section 10 of the Act of August 4, 1939, as amended (43 U.S.C. 387), and the removal of leasable minerals from lands or interest in lands within the recreation area in accordance with the mineral leasing laws.

(6) The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) authorizes the management and use of the public lands.

(7) The Independent Offices Appropriation Act (31 U.S.C. 9701) authorizes agencies to charge fees to recover the costs of providing services or things of value.

§ 3500.0–5 Definitions.

As used in Group 3500, the term:

(a) "Secretary" means the Secretary of the Interior.

(b) "Director" means the Director, Bureau of Land Management.

(c) "State Director" means an employee of the Bureau of Land Management who has been designated as the chief administrative officer of one of the Bureau's 12 administrative areas designated as "States".

(d) "Authorized officer" means any employee of the Bureau of Land Management who has been delegated the authority to perform the duties described in group 3500 of this title.

(e) "Proper BLM office" means the Bureau of Land Management office having jurisdiction over the lands subject to the regulations in group 3500 of this title (see 43 CFR subpart 1821).

(f) "Public domain lands" means lands, including mineral estates, which never left the ownership of the United States, lands which were obtained by the United States in exchange for public domain lands, lands which have reverted to the ownership of the United States through the operation of the public land laws, and others specifically identified by Congress as part of the public domain.

(g) "Acquired lands" means lands, including mineral estates, which are not public domain lands and which the United States obtained through purchase, gift, or condemnation, and includes lands previously disposed of under the public land laws including the mining laws.

(h) "Leasable minerals" means the chlorides, sulphates, carbonates, borates, silicates or nitrates of potassium or sodium and related products; sulphur in the States of Louisiana and New Mexico and on all acquired lands; phosphate, including associated and related minerals; asphalt in certain lands in Oklahoma; and gilsonite (including all vein-type solid hydrocarbons).

(i) "Valuable deposit" means a mineral occurrence where minerals have been found and the evidence is of such a character that a person of ordinary prudence would be justified in the further expenditure of his/her labor and means, with a reasonable prospect of success, in developing a valuable mine.

(j) "Chiefly valuable" means a valuable deposit where there is no significant conflict between the extraction of sodium, sulphur or potassium and any non-mineral disposition of lands. Where such extraction conflicts with other disposition, the lands shall be deemed chiefly valuable for sodium, sulphur or potassium extraction if the economic value of the lands for extraction of such minerals exceeds its economic value for any non-mineral disposition.

(k) "Act" means the Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 et seq.).

(l) "Service" means the Minerals Management Service.

(m) "Bureau" means the Bureau of Land Management.

(n) "Hardrock minerals" means those locatable minerals for which a mineral patent may be obtained under the Mining Law of 1872 and which are not leasable minerals as defined in paragraph (h) of this section and oil, gas, coal and oil shale or mineral materials disposable under Group 3600 of this title. Hardrock minerals include, but are not limited to, copper, lead, zinc, magnesium, nickel, tungsten, gold, silver, bentonite, uranium, barite, feldspar and fluorspar.

§ 3500.1 Nondiscrimination.

Any person acquiring a lease under Group 3500 shall comply fully with the equal opportunity provisions of Executive Order 11246 of September 24, 1965, as amended, and the regulations and relevant orders of the Secretary of Labor (41 CFR Chapter 60) and 43 CFR Part 17.

§ 3500.2 False statements.

Under the provisions of 18 U.S.C. 1001, it is a crime punishable by 5 years imprisonment or a fine of up to $10,000, or both, for anyone knowingly and willfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement(s) as to any matter within the agency's jurisdiction.

§ 3500.3 Unlawful interests.

No member of, or delegate to, Congress, or Resident Commissioner, and no employee of the Department of the Interior, except as provided in part 20 of this title, shall be entitled to acquire or hold any Federal lease, or interest therein. (Officer, agent or employee of the Department—See 43 CFR Part 20; Member of Congress—See R.S. 3741; 41 U.S.C. 22; 18 U.S.C. 431–433)

§ 3500.4 Appeals.

Any party adversely affected by a decision of the authorized officer made pursuant to the provisions of Group 3500 of this title shall have a right of appeal pursuant to part 4 of this title.

§ 3500.5 Filing of documents.

(a) All necessary documents shall be filed in the proper BLM office. A document shall be considered filed

when it is received in the proper BLM office.

(b) All information which is submitted to the Bureau under the regulations in this group shall be available to the public unless exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552), or unless otherwise provided in this group.

§ 3500.6 Multiple development.

The granting of a permit or lease for the prospecting, development or production of deposits of any particular mineral shall not preclude the issuance of other permits or leases for the same lands for deposits of other minerals with suitable stipulations for simultaneous operation, or the allowance of applicable entries, locations or selections of leased lands with a reservation of the mineral deposits to the United States. Each permit or lease shall reserve the right to allow any other uses, or to allow disposal, of the leased lands that will not unreasonably interfere with the exploration and mining operations of the permittee or lessee and the permittee/lessee shall make all reasonable efforts to avoid interference with such authorized uses.

§ 3500.7 Land use plans and environmental considerations.

(a) Any lease or permit issued under Group 3500 of this title shall be issued in conformance with the decisions, terms and conditions of a comprehensive land use plan for the mineral deposit in question.

(b) Before a lease or permit is issued, the authorized officer or the appropriate surface management agency shall comply with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) Leases and permits shall be issued in a manner consistent with any unsuitability designation made under § 1610.7–1(b) of this title.

§ 3500.8 Lands not subject to leasing.

The following lands are not subject to leasing under the provisions of group 3500:

(a) Lands within the boundaries of any unit of the National Park System, except as authorized by law;

(b) Lands within Indian Reservations, except the Uintah and Ouray Indian Reservation, Hillcreek Extension, State of Utah;

(c) Lands within incorporated cities, towns and villages;

(d) Lands within the National Petroleum Reserve—Alaska and oil shale reserves and within the national petroleum reserves;

(e) Lands acquired by the United States for development of helium, fissionable material deposits or other minerals essential to the defense of the country, except leasable minerals;

(f) Lands acquired by foreclosure or otherwise for resale;

(g) Acquired lands reported as surplus under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.); and

(h) Any tidelands or submerged coastal lands within the continental shelf adjacent or littoral to any part of lands within the jurisdiction of the United States.

§ 3500.9 Consent and consultation.

§ 3500.9–1 Federal lands administered by agencies outside of the Department of the Interior.

(a) Unless consent is required by law, public domain lands, the surface of which is administered by an agency outside of the Department of the Interior, shall be permitted or leased only after Bureau of Land Management has consulted with the surface management agency.

(b) Acquired lands shall only be permitted or leased with the written consent of the head or other appropriate official of the surface management agency.

(c) An applicant may pursue the administrative remedies provided by a particular surface management agency where such agency has required special stipulations in the lease or permit, or has refused consent to issuance of the lease or permit. If the applicant notifies the authorized officer within 30 days of receipt of the Bureau's decision that he/she has requested the surface management agency to reconsider its decision, the time for filing an appeal under part 4 of this title is suspended until a decision is reached by such agency.

§ 3500.9–2 State's or charitable organization's ownership of surface overlying Federally-owned minerals.

Where the United States has conveyed title to, or otherwise transferred the control of the surface of lands to any State or political subdivision, agency or instrumentality thereof, or a college or any other educational corporation or association, or a charitable or religious corporation or association, such party shall be given written notification by certified mail of the application for permit or lease and shall be given a reasonable time, not to exceed 90 days, within which to suggest any lease stipulations deemed necessary for the protection of existing surface improvements or uses, to set forth the facts supporting the necessity of the stipulations or file any objections it may have to the issuance of the lease or permit. Where a party controlling the surface opposes the issuance of a lease or permit or wishes to place such restrictive stipulations, but the facts submitted in opposition to issuance or concerning the necessity for restrictive stipulations expressed by the party controlling the surface do not provide adequate basis for such action, the final decision as to whether to issue the lease or permit shall be based on a determination by the authorized officer as to whether or not the interests of the United States would best be served thereby.

§ 3500.9–3 Management of Federal minerals from reserved mineral estates.

Where nonmineral public land disposal statutes provide in conveyances of title that all or certain minerals shall be reserved to the United States together with the right to prospect for, mine and remove the minerals under applicable law and regulations as the Secretary may prescribe, the lease, sale or disposal and administration and management of the use of such minerals shall be accomplished under the regulations of subchapter C of this title. Such mineral estates include, but are not limited to, those that have been or will be reserved under the authorities of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 et seq.), the Small Tract Act of June 1, 1938, as amended (43 U.S.C. 682(b)) and the Federal Land Policy and Management Act of 1969 (43 U.S.C. 1701 et seq.).

Subpart 3501—Descriptions and Acreage

§ 3501.1 Land descriptions.

§ 3501.1–1 Public domain.

Each application shall contain a complete and accurate description of the lands for which the lease or permit is desired. The lands applied for shall be in reasonably compact form.

(a) If the lands have been surveyed under the public land rectangular system, each application shall describe the lands by legal subdivision, section, township and range. Generally, a quarter-quarter section or a lot is the smallest legal subdivision for which an application may be made.

(b) When protracted surveys have been approved and the effective date thereof published in the **Federal Register**, all applications for lands shown on such approved protracted surveys shall describe the lands in the same manner as provided in paragraph

(a) of this section for officially surveyed lands.

(c) If the lands have neither been surveyed on the ground nor shown on the records as protracted surveys, each application shall describe the lands by metes and bounds, giving courses and distances between the successive angle points on the boundary of the tract, in cardinal directions except where the boundaries of the lands are in irregular form, and connected by courses and distances to an official corner of the public land surveys.

(d)(1) Prior to the issuance of a lease, all unsurveyed lands in the lease shall be surveyed.

(2) On a noncompetitive lease, the survey for unsurveyed lands shall be at the expense of the applicant.

(3) On a competitive lease, the survey of unsurveyed lands shall be at the expense of the United States.

§ 3501.1-2 Acquired lands.

(a)(1) If the lands have been surveyed under the rectangular system of public land surveys, the description shall conform to that system and the lands shall be described by legal subdivision, section, township, and range. Generally, a quarter-quarter section of a lot is the smallest legal subdivision for which an application may be made.

(2) Where the description cannot conform to the public land surveys, any boundaries which do not so conform shall be described by metes and bounds, giving courses and distances between the successive angle points with appropriate ties to the nearest existing official survey corner. If not surveyed but within the area of the public land surveys, the lands shall be described by metes and bounds, giving courses and distances between the successive angle points on the boundary of the tract, and connected to a reasonably nearby official survey corner by courses and distances. Each application shall be accompanied by a map upon which the desired lands are clearly marked showing their location with respect to the administrative unit or project of which they are a part.

(b) If the lands have not been surveyed under the rectangular system of public land surveys, and the tract is not within the area of the public land surveys, it shall be described as in the deed or other document by which the United States acquired title to the lands or minerals. If the desired lands constitute less than the entire tract acquired by the United States, they shall be described by courses and distances between successive angle points on the boundary of the tract, tying by course and distance into the description in the deed or other document by which the United States acquired title to the lands. In addition, if the description in the deed or other document by which the United States acquired title to the lands does not include the courses and distances between the successive angle points on the boundary of the desired tract, the description in the application shall be expanded to include such courses and distances. Each application shall be accompanied by a map upon which the desired lands are clearly marked showing their location with respect to the administrative unit or project of which they are a part.

(c) If an acquisition tract number has been assigned by the acquiring agency to the identical tract desired, a description by such tract number shall be accepted in lieu of the description required in paragraphs (a)(2) and (b) of this section. However, such application shall be accompanied by the map required by paragraphs (a)(2) and (b) of this section.

§ 3501.1-3 Accreted lands.

Where an application includes any accreted lands that are not described in the deed to the United States, such accreted lands shall be described by metes and bounds, giving courses and distances between the successive angle points on the boundary of the tract, and connected by courses and distances to an angle point on the perimeter of the acquired tract to which the accretions belong.

§ 3501.2 Computing acreage holdings.

(a) In computing acreage holdings or control, the accountable acreage of a party owning any interest, either directly or indirectly, shall be such party's proportionate part of the total lease and permit acreage. Likewise, the accountable acreage of a party owning an interest in a corporation or association shall be such party's proportionate part of the corporation's or association's accountable acreage, except that no party shall be charged with its pro rata share of any acreage holdings of any association or corporation, unless it is the beneficial owner of more than 10 percent of the stock or other instruments of ownership or control of such association or corporation.

(b) The amount of acquired lands acreage for leasable minerals that may be held under lease or permit may not be in excess of the amount of public domain acreage for the same minerals permitted to be held under the Act. Public domain lease holdings shall not be charged against acquired lands lease holdings and vice versa; such respective holdings shall not be interchangeable.

(c) Where the United States owns only a fractional interest in the mineral resources of the lands involved, only that part of the total acreage involved in the lease which is proportionate to the ownership by the United States of the mineral resources therein shall be charged as acreage holdings. The acreage embraced in a future interest lease is not to be charged as acreage holdings until the lease for the future interest takes effect.

Subpart 3502—Qualification Requirements

§ 3502.1 Who may hold leases and permits.

(a) Leases and permits may be held only by citizens of the United States, associations (including partnerships and trusts) of such citizens, corporations organized under the laws of the United States or of any State or territory thereof. Citizens of a foreign country may only hold interest in leases or permits through stock ownership, stock holding or stock control.

(b) Citizens of a foreign country may only hold interests in leases and permits for leasable minerals if the laws, customs or regulations of their country do not deny similar or like privileges to citizens or corporations of the United States. A list of those countries denying similar or like privileges is available from any Bureau office.

(c) A mineral lease or permit shall not be issued to a minor. Leases or permits may be issued to a legal guardian or trustee of a minor.

§ 3502.2 Qualifications and holdings statements.

§ 3502.2-1 Filing of evidence.

Evidence of qualifications required by this section may be filed separately in the proper BLM Office. Thereafter, a reference by serial number to the record in which such evidence is filed, together with a statement as to any amendments, shall be acceptable in lieu of resubmitting the evidence with each application. It is the responsibility of applicants and lessees to assure that such evidence is current and accurate. An application referring to the serial number may be submitted only to the Bureau office where the evidence of qualifications is on file.

§ 3502.2-2 Individuals.

To qualify to hold a Federal prospecting permit, lease or license, an individual shall submit a signed statement showing:

(a) He/she is a U.S. citizen; and

(b) That his/her acreage holdings for the particular mineral concerned do not exceed the acreage holdings allowed for that mineral.

§ 3502.2-3 Associations, including partnerships and trusts.

(a) For an association, such as a partnership, to qualify to hold a prospecting permit, lease or exploration license, or any interest therein, a member or authorized attorney-in-fact shall submit the following:

(1) A signed statement setting forth: (i) The names, addresses, and citizenship of all members owning or controlling 10 percent or more of the association or partnership; (ii) the names of the members authorized to act on behalf of the association or partnership; (iii) that the association or partnership's acreage holdings for the particular mineral concerned do not exceed the acreage holdings for that mineral; and (iv) that the acreage holdings of any member owning more than 10 percent of the association or partnership do not exceed that allowed.

(2) A copy of the articles of the association or partnership.

(b) In order for a trust to hold prospecting permits or leases or any interest therein on behalf of a beneficiary, the guardian or trustee shall submit the following:

(1) A signed statement setting forth: (i) the citizenship of the beneficiary; (ii) the guardian or trustee's own citizenship; (iii) the grantor's citizenship, if the trust is revocable; and (iv) that the acreage holdings of the beneficiary, the guardian or trustee, or the grantor, if the trust is revocable, do not exceed that allowed.

(2) A copy of the court order or other document authorizing or creating the trust or guardianship.

§ 3502.2-4 Corporations.

For a corporation to qualify to hold a prospecting permit, lease, or exploration license, or any interest therein, an officer or authorized attorney-in-fact shall submit a signed statement setting forth:

(a) The State in which the corporation is incorporated;

(b) The names and citizenship of any stockholder owning or controlling more than 10 percent of the stock of the corporation;

(c) The names of the officers authorized to act on behalf of the corporation;

(d) That the corporation's acreage holdings, and those of any stockholder identified under paragraph (b) of this section, do not exceed that allowed; and

(e) The percentage of stock owned, held or controlled by citizens of a foreign country or persons with addresses outside the United States, if greater than 10 percent.

§ 3502.2-5 Heirs and devisees.

(a) If an applicant for a permit, an applicant for a preference right lease or a successful bidder to a competitive lease dies before the permit or lease is issued, the permit or lease shall be issued to the executor or administrator of the estate if probate of the estate has not been completed; if probate has been completed, or is not required, to the heirs or devisees; and if there are minor heirs or devisees, to their legal guardian or trustee in his/her name, provided there is filed in all cases the following information:

(1) Where probate of the estate has not been completed:

(i) Evidence that the person, who as executor or administrator submits forms of lease and bond, has authority to act in that capacity and to sign such forms;

(ii) Evidence that the heirs or devisees are the heirs or devisees of the deceased and are his/her only heirs or devisees; and

(iii) A statement over the signature of each heir or devisee concerning citizenship and holdings similar to that required by § 3502.2-2 of this title.

(2) Where the executor or administrator has been discharged or no probate proceedings are required:

(i) A certified copy of the will or decree of distribution, if any, and if not, a statement signed by the heirs that they are the only heirs and citing the provisions of the law of the deceased's last domicile showing that no probate is required; and

(ii) A statement over the signature of each of the heirs or devisees with reference to citizenship and holdings similar to that required by § 3502.2-2 of this title, except that if the heir or devisee is a minor, the statement shall be over the signature of the guardian or trustee.

(b) If a permittee or lessee dies, the executor or administrator of the estate shall be recognized as the record title holder of the permit or lease if probate has not been completed; and if probate has been completed, or is not required, the heirs or devisees shall be so recognized, provided that in all cases, the evidence required in paragraph (a) of this section has been filed.

§ 3502.2-6 Attorneys-in-fact.

An attorney-in-fact shall submit evidence of his/her authority to act on behalf of the applicant. The applicant shall submit a separate statement as to qualifications and acreage holdings unless the power of attorney specifically authorizes and empowers the attorney-in-fact to make or to execute such statements.

§ 3502.3 Other parties in interest.

If the applicant is not the sole party in interest to a permit or lease, he/she shall submit with his/her application the names of all other parties who hold or will hold any interest in the application or in the permit or lease, when issued. All interested parties shall furnish appropriate evidence of their qualifications to hold such permit or lease interest.

Subpart 3503—Fees, Rentals and Royalties

§ 3503.1 Payments.

§ 3503.1-1 Form of remittance.

All remittances shall be by U.S. currency, postal money order or negotiable instrument payable in U.S. currency and shall be made payable to the Department of the Interior—Bureau of Land Management or the Department of the Interior—Minerals Management Service, as appropriate. In the case of payments made to the Service, such payments may also be made by electronic funds transfer.

§ 3503.1-2 Where remitted.

(a)(1) All filing fees and all first-year rentals and all bonuses for leases issued under Group 3500 of this title shall be paid to the proper BLM office.

(2) All second-year and subsequent rentals and all other payments for leases shall be paid to the Service.

(b) All royalties on producing leases and all payments under leases in their minimum production period shall be paid to the Service.

(c) All payments paid to the Service shall be sent to: Minerals Management Service, Royalty Management Program/BRASS, Box 5640, Denver, Colorado 80217.

§ 3503.2 Production royalties, minimum royalties and overriding royalties.

§ 3503.2-1 Production royalty rates.

Production royalty rates shall be set out in a separate schedule attached to and made a part of all leases and shall be determined on an individual case basis by the authorized officer prior to lease offering. For leases offered competitively, the rates shall be set out in the notice of lease sale. For leases issued noncompetitively, the schedule shall be sent to the prospective lessee for concurrence and signature prior to lease issuance.

§ 3503.2–2 Minimum production and minimum royalty.

(a) Each lease issued on or after the effective date of these regulations shall require a minimum annual production or the payment of minimum royalty in lieu of production for any particular lease year, beginning with the sixth lease year. Minimum royalty payments shall be credited to production royalties for that year only.

(b) Leases renewed or readjusted on or after the effective date of these regulations shall require a minimum annual production or the payment of minimum royalty in lieu of production for any particular lease year, beginning with the first full year of the readjusted or renewed lease. Minimum royalty payments shall be credited to production royalties for that year only.

(c) On or after the effective date of these regulations, the rate of the minimum royalty in lieu of production described in paragraphs (a) and (b) of this section shall be $3 per acre or fraction thereof per year, payable in advance.

(d) Hardrock mineral leases or development or operating agreements which are subject to escalating rentals are exempt from these minimum production and minimum royalty requirements.

§ 3503.2–3 Overriding royalties.

(a) Any overriding royalty interest created by assignment or otherwise shall be subject to the requirement, that if the total of the overriding royalty interest at any time exceeds 1 percent of the gross value of the output at the point at which royalty is assessed, it shall be subject to reduction or suspension by the authorized officer to a total of not less than 1 percent of such gross value, whenever, in the interest of conservation, it appears necessary to do so in order to: (1) prevent premature abandonment; or (2) make possible the economic mining of marginal or low grade deposits. Where there is more than 1 overriding royalty interest, any such suspension or reduction shall be applied to the respective interests in the manner agreed upon by the holders thereof or, in the absence of such agreement, in the inverse order of the dates of creation of such interests.

(b) No overriding royalties shall be paid at a rate in excess of the rate to which they have been so reduced until otherwise authorized by the authorized officer.

§ 3503.2–4 Waiver, suspension, or reduction of rental, minimum royalty or royalties.

(a) In order to encourage the greatest ultimate recovery of the leased minerals, and in the interest of conservation, whenever the authorized officer determines it is necessary to promote development or finds that leases cannot be successfully operated under the terms provided therein, the rental or minimum royalty payments may be waived, suspended or reduced, or the rate of royalty reduced.

(b) An application for any of the above benefits shall be filed in duplicate in the proper BLM office. The application shall contain the serial number of the lease, the name of the record title holder, the operator or sublessee and a description of the lands by legal subdivision in addition to the following information:

(1) Each application shall show the number and location of each mine, a map showing the extent of the mining operations, a tabulated statement of the minerals mined and subject to royalty for each month covering a period of not less than 12 months immediately preceding the date of filing of the application, and the average production per day mined for each month and complete information as to why the minimum production was not attained.

(2) Each application shall contain a detailed statement of expenses and costs of operating the entire lease, the income from the sale of any leased products and all facts showing whether the mines can be successfully operated under the royalty or rental fixed in the lease. Where the application is for a reduction in royalty, full information shall be furnished as to whether royalties or payments out of production are paid to anyone other than the United States, the amounts so paid and efforts made to reduce them.

(3) The applicant shall also file agreements of the holders of the lease and of the royalty holders to a permanent reduction of all other royalties from the leasehold to aggregate not in excess of one-half the royalties paid to the United States.

§ 3503.3 Suspensions.

§ 3503.3–1 Suspension of operations and production.

(a) The authorized officer may, in the interest of conservation, order or agree to a suspension of operations and production.

(b) Applications by lessees for suspensions of operations and production shall be filed in duplicate in the proper BLM office and shall set forth why it is in the interest of conservation to suspend operations and production.

(c) The term of any lease shall be extended by adding thereto any period of suspension of operations and production during such term.

(d) A suspension shall take effect as of the date specified by the authorized officer. Rental and minimum annual production shall be suspended during any period of suspension of operations and production beginning with the first day of the lease month on which the suspension of operations and production becomes effective, or, if the suspension of operations and production becomes effective on any date other than the first day of a lease month, beginning with the first day of the lease month following such effective date. The suspension of rental and minimum annual production shall end on the first day of the lease month in which operations or production is resumed, or upon expiration of the suspension, whichever occurs first. Where rentals are creditable against royalties and have been paid in advance, proper credit shall be allowed on the next rental or royalty due under the lease.

(e) The minimum annual production requirements of a lease shall be proportionately reduced for that portion of a lease year for which a suspension of operations and production is directed or granted by the authorized officer.

§ 3503.3–2 Suspension of operations.

(a) The authorized officer may, upon application of the lessee, suspend operations on a lease issued under the regulations in group 3500 of this title when marketing conditions are such that leases cannot be operated except at a loss.

(b) Application for suspension shall be submitted in duplicate to the proper BLM office and shall contain sufficient information to establish that the lease cannot be operated except at a loss.

(c) A suspension of operations does not affect the term of the lease or the annual rental payment.

(d) A suspension shall take effect as of the date specified by the authorized officer. Minimum annual production shall be suspended during any period of suspension of operations beginning with the first day of the lease month on which the suspension becomes effective, or, if the suspension becomes effective on any date other than the first day of a lease month, beginning with the first day of the lease month following such effective date. The suspension of minimum annual production shall end on the first day of the lease month in which operations are resumed, or upon

expiration of the suspension, whichever occurs first.

(e) The minimum annual production requirements of a lease shall be proportionately reduced for that portion of a lease year for which a suspension of operations is granted by the authorized officer.

Subpart 3504—Bonds

§ 3504.1 Bonding requirements.

§ 3504.1-1 When filed.

Prior to the issuance of a permit or lease, the applicant shall be required to submit a surety or personal bond as described in this subpart.

§ 3504.1-2 Where filed.

All bonds shall be filed in the proper BLM office on an approved form. A single copy executed by the principal or, in the case of surety bonds, by both the principal and an acceptable surety is sufficient. Nationwide bonds may be filed in any Bureau State office.

§ 3504.1-3 Surety bonds and personal bonds.

(a) Only those surety bonds issued by qualified surety companies approved by the Department of the Treasury shall be accepted. (See Department of the Treasury Circular No. 570, any supplemental circulars or any replacements).

(b) Personal bonds shall be accompanied by: (1) cash; (2) cashier's check; (3) certified check; or (4) negotiable U.S. Treasury bonds of a value equal to the amount specified in the bond. Negotiable Treasury bonds shall be accompanied by a proper conveyance to the Secretary of full authority to sell such securities in case of default in the performance of the terms and conditions of the lease or permit.

§ 3504.1-4 Individual permit and lease bonds.

Individual permit and lease bond amounts shall be established on a case by case basis by the authorized officer. Minimum bonding requirements are set forth in the pertinent regulations for specific minerals.

§ 3504.1-5 Statewide and nationwide bonds.

(a) In lieu of separate bonds for each lease or permit, a lessee or permittee may furnish a bond in an amount of not less than $25,000, as determined by the authorized officer, to cover all leases and permits for a specific mineral in any 1 State.

(b) In lieu of separate bonds for each lease or permit, a lessee or permittee may furnish a bond in the amount of not less than $75,000, as determined by the authorized officer, to cover all leases and permits for a specific mineral nationwide.

§ 3504.1-6 Change in bond coverage.

The authorized officer may elect to increase or decrease the amount of any bond to be issued or any outstanding bond when a change in coverage is determined appropriate, except no bond may be reduced below the established minimum amount for that mineral.

§ 3504.2 Default.

(a) Where, upon a default, the surety makes a payment to the United States of an obligation incurred under a lease, the face amount of the surety bond or personal bond and the surety's liability thereunder shall be reduced by the amount of such payment.

(b) After default, upon penalty of cancellation of all of the leases or permits covered by such bond, the principal shall within 6 months after notice, or within such shorter period as may be fixed by the authorized officer, either post a new bond or increase the existing bond to the amount previously held. In lieu thereof, the principal may within that time file separate or substitute bonds for each lease or permit.

§ 3504.3 Termination of period of liability.

The authorized officer shall not give consent to termination of the period of liability of any bond unless an acceptable replacement bond has been filed or until all the terms and conditions of the lease or permit have been met.

Subpart 3506—Assignments and Subleases

§ 3506.1 Permits and leases subject to assignment or sublease.

Any prospecting permit or lease may be assigned or subleased in whole or in part to any person, association, or corporation qualified to hold such lease or permit.

§ 3506.2 Filing fees.

To be accepted for filing, each instrument of assignment of record title, operating rights and overriding royalty assignments shall be accompanied by a nonrefundable filing fee of $25. Any instrument not accompanied by the filing fee shall not be accepted.

§ 3506.3 Filing requirements.

§ 3506.3-1 Record title assignments.

(a) A separate instrument of assignment shall be filed in triplicate for each permit or lease. The instrument shall be filed within 90 days of final execution and shall contain:

(1) Name and current address of assignee;

(2) Interest held by assignor and interest to be assigned;

(3) The serial number of the affected permit or lease and a description of the lands to be assigned as described in the permit or lease;

(4) Percentage of overriding royalties retained; and

(5) Date and signature of assignor.

(b) The assignee shall provide a single copy of the request for approval of assignment which shall contain:

(1) Statement of qualifications and holdings as required by subpart 3502 of this title;

(2) Date and signature of assignee; and

(3) Filing fee as required by § 3506.2 of this title;

(c) The approval of an assignment of all interests in a specific portion of the lands in a lease shall create a separate lease which shall be given a current serial number.

§ 3506.3-2 Operating rights.

One copy of a sublease or an operating rights assignment shall be filed within 90 days from the date of final execution and shall contain the operating agreement between the lessee and operator. The operator shall file a request for approval as described in § 3506.3-1(b) of this title. The agreement shall be approved by formal decision.

§ 3506.3-3 Overriding royalty interests.

All overriding royalty interest assignments shall be filed for record purposes within 90 days from the date of execution, but no formal approval shall be given. Any such assignment shall be deemed to be valid provided it is accompanied by the assignee's statement of qualifications as provided for in subpart 3502 of this title, and filing fee as required by § 3506.2 of this title.

§ 3506.4 Permit or lease account status.

The authorized officer shall not approve an assignment of a permit or lease unless the account under the permit or lease is in good standing, or the assignee and his/her surety accepts, in writing, all outstanding liabilities of the assignor which have accrued, whether known or unknown, under the permit or lease.

§ 3506.5 Bonds.

§ 3506.5-1 Coverage.

If the permittee or lessee has been required to maintain a bond, then prior to approval of the assignment, the assignee shall be required to furnish a new bond in the same amount, or, in lieu

thereof, consent of the surety on the present bond to the substitution of the assignee as principal. (See Subpart 3504)

§ 3506.5-2 Continuing responsibility.

The assignor and his/her surety shall continue to be responsible for the performance of any obligation under the permit or lease until the effective date of the approval of the assignment. If the assignment is not approved, the assignor's obligation to the United States shall continue as though no such assignment had been filed for approval. After the effective date of approval the assignee and his/her surety shall be responsible for the performance of all permit or lease obligations notwithstanding any terms in the assignment to the contrary, or after the effective date of approval of the sublease, the sublessor and sublessee shall be jointly and severally liable for the performance of all permit or lease obligations, notwithstanding any terms in the sublease to the contrary.

§ 3506.6 Effective date.

An assignment or sublease shall take effect so far as the United States as lessor is concerned the first day of the month following its final approval by the Bureau, or if the assignee requests, the first day of the month of the approval.

§ 3506.7 Extensions.

The approval of an assignment or sublease shall not extend the life of the permit or the readjustment or renewal periods of the lease.

Subpart 3507—Fractional and Future Interest Permits and Leases

§ 3507.1 Issuance of prospecting permits and leases.

§ 3507.1-1 Prospecting permits.

A prospecting permit for a present fractional interest in mineral deposits acquired by the United States may be issued by the authorized officer.

§ 3507.1-2 Leases.

(a) Noncompetitive leases for future or fractional interests in lands believed, but not known, to contain mineral deposits, may be issued by the authorized officer whenever he/she finds it to be in the public interest.

(b) Noncompetitive leases for any future interest(s) in lands which are a part of an existing mining operation may be issued to the mine owner or operator by the authorized officer whenever he/she finds it to be in the public interest. Such leases shall be conditioned upon payment by the lessee of the fair market value of the mineral deposit at the time of vesting of title to the mineral in the United States.

§ 3507.2 Forms and applications.

No specific application form is required, but the application shall contain the same information required of an applicant for the specific mineral concerned.

§ 3507.3 Terms and conditions.

Permit and lease terms and conditions shall be those provided in this group for the particular mineral.

§ 3507.4 Consent of agency or bureau.

A prospecting permit for a present fractional interest in mineral deposits, or a lease for a fractional or future interest in mineral deposits acquired by the United States, may be issued by the authorized officer only with the consent of the surface management agency.

§ 3507.5 Where filed and filing fee.

The application shall be filed in triplicate in the proper BLM office and shall be accompanied by a nonrefundable filing fee of $25.

§ 3507.6 Qualifications.

Compliance with Subpart 3502 of this title is required.

§ 3507.7 Evidence of ownership.

§ 3507.7-1 Present fractional interest.

An applicant for a present fractional interest permit or lease shall have a present interest in the minerals. If the applicant does not own all of the mineral interests not owned by the United States or all of the operating rights therein, the application shall show the extent of the applicant's rights and the names of the other owners of such rights.

§ 3507.7-2 Future interest.

An application for a whole or fractional future interest prospecting permit or lease shall include evidence of title to the present interest in the mineral deposit, which may be in the form of a certified abstract of title or certificate of title. If the applicant is the owner of the operating rights to the non-federal minerals and acquired such rights under a lease or contract with the owner of such minerals, the application shall be accompanied by 3 copies of such lease or contract. A whole or fractional future interest lease shall be issued only to an applicant who owns all or substantially all of the present operating rights to the non-federal minerals as fee owner, lessee or operator holding such rights.

§ 3507.8 Effective date of future interest leases.

Future interest leases shall become effective on the date of vesting of title to the minerals in the United States as stated in the lease.

§ 3507.9 Rejection of application.

(a) An application for a future interest lease filed less than 1 year prior to the date of the vesting in the United States of the present interest in the minerals shall be rejected. Upon the vesting in the United States of the present possessory interest in the minerals, all applications for future interest leases outstanding at the time shall automatically lapse and thereafter only applications for a present interest lease shall be considered.

(b) Unless the authorized officer determines it to be in the public interest to do otherwise, a lease or prospecting permit shall not issue to one who, with the Federal interest applied for, would control less than 50 percent of the operating rights, and the application for such a lease or permit shall be rejected.

Subpart 3508—Mineral Lease Exchange

§ 3508.0-1 Purpose.

This subpart authorizes a mineral prospecting permittee, or mineral lessee, to relinquish the lease to be acquired under preference right, or an existing mineral lease, in exchange for a mineral lease of other lands of comparable value for any leasable or hardrock mineral when the Secretary concludes that operations on the preference right or outstanding lease would not be in the public interest, and that operations on the lands leased in exchange would be in the public interest.

§ 3508.0-7 Scope.

(a) The regulations in this subpart and Subpart 3435 of this title, which cover provisions related to exchanges involving the issuance of coal leases, coal lease bidding rights or coal lease modifications, may be used in exchanges of one mineral for another.

(b) In the case of a conflict between this subpart and the provisions of Subpart 3435 of this title, the provisions governing the lease or lease interest to be issued shall control.

§ 3508.1 When exchange provisions apply.

(a) The provisions of this subpart shall be invoked by the authorized officer notifying the preference right lease applicant or lessee that he/she is prepared to consider exchange of a mineral lease for relinquishment of

leasing rights on the lands described in the notice.

(b) The authorized officer may seek the exchange of any part or all of the lands under preference right lease application or lease. More than 1 preference right lease application or lease may be considered. The effect of a partial or multiple exchange shall be taken into account by the authorized officer in determining whether such an exchange is in the public interest.

(c) An exchange mineral lease shall not be issued unless the authorized officer finds, after completing the procedures in this subpart, that the exchange is in the public interest.

(d) For the purposes of this subpart, an exchange shall be considered in the public interest if the authorized officer finds that the benefits of production from the lease or preference right lease would not outweigh the adverse effects, or threat of damage or destruction to agricultural production potential, or scenic, biological, geologic, historic or other public interest values from lease operations, and if the authorized officer finds the lands proposed for exchange free from hazardous waste as defined under the authorities of the Clean Water Act, Resource Conservation and Recovery Act and the Comprehensive Environmental Response, Compensation and Liability Act. In exercising his/her discretion to exchange mineral leasing values in the public interest, the authorized officer shall consider, but is not limited to consideration of, these elements of the public interest; recreational use; archeological or historic values; threatened or endangered species; proximity of residential or urban areas; study for potential inclusion in the wilderness or wild and scenic rivers systems; and value for public uses, including public highways, airports and rights-of-way.

§ 3508.2 Exchange procedures.

(a) The authorized officer shall notify the preference right lease applicant or lessee when he/she is prepared to consider an exchange or other mineral leasing values for a tract under lease application or lease. The exchange notice shall:

(1) State why the authorized officer believes an exchange would be in the public interest;

(2) Provide that the lease applicant or lessee shall respond by indicating whether he/she is willing to negotiate for an exchange under this subpart; and

(3) Contain a description of the lands for which the authorized officer would offer exchange terms. The preference right lease applicant's or lessee's reply may describe the lands on which the lease applicant or lessee would accept an exchange lease.

(b) A preference right lease applicant shall show the timely submittal of a mineral preference right lease application.

(c) If the preference right lease applicant demonstrates to the Secretary that the applicant has a preference right to a lease, the authorized officer may, in lieu of issuing a lease on the preference right, negotiate for the selection of appropriate exchange lands and establish lease terms on the lands to be leased in exchange.

(d)(1) The lands leased in exchange shall, to the satisfaction of the preference right lease applicant or lessee and the authorized officer, be a lease tract containing a deposit of leasable or hardrock minerals of comparable value. A lease tract shall be determined "of comparable value" for exchange purposes when the authorized officer concludes that the value of the more valuable tract is less than 10 percent greater than the value of the less valuable tract.

(2) The lands covered by an exchange lease shall be subject to leasing under the authorities contained in § 3500.0–3 of this title.

(e) The exchange right shall be equal to the fair market value of the preference right or lease to be relinquished. A reply to the authorized officer's notice by the preference right lease applicant or lessee which indicates a willingness to consider an exchange also shall indicate a willingness to provide geologic and economic data to enable the authorized officer to determine the fair market value of the relinquished preference right or lease.

(f) After the prospective exchange lessee and the authorized officer agree on the lands to be leased in exchange, a notice of the proposed exchange shall be published in the **Federal Register** and in a newspaper(s) in the county(s) where both the preference right or lease lands and the proposed exchange lease lands are located. The notice shall include:

(1) The time and place of a public hearing(s);

(2) The authorized officer's preliminary findings that the exchange is in the public interest; and

(3) A request for public comments on the merits of the proposed exchange.

§ 3508.3 Issuance of lease.

(a) If, after public hearing, the authorized officer determines by written decision that issuance of the exchange lease is in the public interest, he/she shall establish stipulations for operations on the exchange lease.

(b) The exchange lease shall be subject to the relevant provisions of group 3500 and standard lease terms thereunder and shall contain:

(1) A statement that the lessee quitclaims and relinquishes any right or interest in the preference right lease application or lease exchanged; and

(2) A statement setting forth the authorized officer's finding that the lease issuance is in the public interest.

Subpart 3509—Relinquishment, Termination, Expiration, and Cancellation

§ 3509.1 Relinquishment.

§ 3509.1–1 Prospecting permits.

The permittee may relinquish the entire prospecting permit or any legal subdivision thereof. A partial relinquishment shall clearly describe the lands surrendered and give the exact acreage relinquished. A relinquishment shall be filed in the proper BLM office. Upon its acceptance by the authorized officer, the relinquishment shall be effective as of the date it is filed. Such lands, if otherwise available, shall be subject to the filing of new applications immediately upon notation of the relinquishment on the official status records.

§ 3509.1–2 Leases.

Upon a satisfactory showing that the public interest will not be impaired, the lessee may relinquish the entire lease or any legal subdivision thereof. A partial relinquishment shall clearly describe the lands surrendered and the exact area thereof. A relinquishment shall be filed in the proper BLM office. Upon its acceptance by the authorized officer, the relinquishment shall be effective as of the date it is filed, subject to the continued obligation of the lessee and his/her surety to make payment of all accrued rentals and royalties and to provide for the preservation of any mines or productive works or permanent improvements on the leased lands in accordance with the regulations and terms of the lease.

§ 3509.2 Termination of prospecting permits.

A prospecting permit shall automatically terminate for failure to pay rental on or before the anniversary date of the permit. The termination of the permit for failure to pay rental shall be noted on the official status records of the proper BLM office. Until such notation is made, the lands covered by the permit shall not be available for filing of any new permit applications.

Applications for such permits filed prior to such notation shall be rejected.

§ 3509.3 Expiration.

§ 3509.3-1 Prospecting permits.

The permit shall expire at the end of its initial or extended term, as applicable, without notice to the permittee. However, a permit may be extended if the permittee timely files an application for extension (See §§ 3512.9-2, 3532.9-2, 3552.9-2 and 3562.9-2). Upon expiration, the lands, if otherwise available and if no preference right lease application has been filed by the prior permit holder, shall be subject to filing of new applications for prospecting permits 60 days thereafter.

§ 3509.3-2 Leases.

(a) Hardrock, sodium, sulphur and asphalt leases shall expire either at the end of the lease term, if a timely application for lease renewal is not timely filed in accordance with applicable regulations, or at the time a timely application for renewal is rejected.

(b) Potassium, phosphate and gilsonite leases continue for so long as the lessee complies with the lease terms and conditions which are subject to periodic readjustment in accordance with applicable regulations.

§ 3509.4 Cancellation.

§ 3509.4-1 Prospecting permits.

(a) Except as provided for in § 3509.2 of this title, if a permittee fails to comply with the provisions of the law or the regulations issued thereunder, or defaults with respect to any of the terms or stipulations of the permit and such failure or default continues for 30 days after service of written notice thereof by the authorized officer, the permit may be cancelled. A waiver of any particular cause for cancellation shall not prevent the cancellation of the permit for any other cause, or for the same cause occurring at any other time.

(b) The cancellation of a permit for cause shall be noted on the official status records of the proper BLM office. Until such notation is made, the lands covered by the permit shall not be available for filing of like applications for a permit. Applications for such permits filed prior to such notation shall be rejected.

§ 3509.4-2 Leases.

(a) If the lessee fails to comply with the provisions of the Act, or of the general regulations promulgated and in force on the date of the lease, or at the effective date of any readjustment of the terms and conditions thereof, or defaults in the performance or observance of any of the terms, covenants, and stipulations of the lease and such failure or default continues for 30 days after service of written notice thereof by the lessor, then the lessor may institute appropriate proceedings in a court of competent jurisdiction for the forfeiture and cancellation of the lease as provided in section 31 of the Act. A waiver of any particular cause of forfeiture shall not prevent the cancellation and forfeiture of the lease for any other cause of forfeiture, or for the same cause occurring at any other time.

(b) If any interest in any lease is owned or controlled directly or indirectly in violation of any of the provisions of the Act, the authorized officer shall give the lessee 30 days to remedy the violation or to show cause why the Attorney General should not be requested to institute proceedings in a court of competent jurisdiction to:

(1) Cancel the lease;

(2) Forfeit the interest so owned; or

(3) Compel disposal of the interest so owned or controlled.

(c) If a lease is issued improperly, it shall be subject to administrative cancellation.

§ 3509.4-3 Bona fide purchasers.

(a) A lease or interest therein shall not be cancelled to the extent that such action adversely affects the title or interest of a bona fide purchaser even though such lease or interest, when held by a predecessor in title, may have been subject to cancellation. All purchasers shall be charged with constructive notice as to all pertinent regulations and all Bureau records pertaining to the lease and the lands covered by the lease.

(b) Prompt action shall be taken to dismiss, as a party to any proceedings with respect to a violation by a predecessor of any provisions of the Act, any person who shows the holding of an interest as a bona fide purchaser without having violated any provisions of the Act. No hearing shall be necessary upon such showing unless prima facie evidence is presented that the purchaser is not a bona fide purchaser. If, during any such proceeding, a party thereto files a waiver of his/her rights under the lease to drill or to assign his/her lease interests, or if such rights are suspended by order of the Secretary pending a decision, payments or rentals and the running of time against the term of the lease involved shall be suspended as of the first day of the month following the filing of the waiver or of the Secretary's suspension until the first day of the month following the final decision in the proceeding or the revocation of the waiver for suspension.

PART 3510—PHOSPHATE

Subpart 3510—Phosphate Leasing—General

Subpart 3511—Lease Terms and Conditions

Subpart 3512—Phosphate Prospecting Permits

Subpart 3513—Preference Right Lease

Subpart 3514—Exploration License

Authority: The Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 et seq.); the Mineral Leasing Act for Acquired Lands, as amended (30 U.S.C. 351–359); the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); the Act of March 3, 1933, as amended (47 Stat. 1487); Section 10 of the Act of August 4, 1939 (43 U.S.C. 387); the Act of October 8, 1964 (16 U.S.C. 460n et seq.); the Act of November 8, 1965 (16 U.S.C. 460q et seq.); the Act of October 2, 1968 (16 U.S.C. 90c et seq.); the Act of October 27, 1972 (16 U.S.C. 460dd et seq.); the Alaska National Interest Lands Conservation Act (16 U.S.C. 460mm–2–460mm–4); the Independent Offices Appropriations Act (31 U.S.C. 9701).

Subpart 3510—Phosphate Leasing—General

§ 3510.0–3 Authority.

Authority for leasing phosphate is shown under § 3500.0–3 (a) and (c) of this title.

§ 3510.1 Leasing procedures.

The regulations in this part provide the procedures for qualified applicants to obtain rights to develop deposits of phosphate, including associated and related minerals, found on lands available for leasing. The regulations provide for this in the following manner:

(a) "Prospecting permits" allow the permittee to explore for deposits of phosphate.

(b) "Preference right leases" are issued to holders of prospecting permits who demonstrate the discovery of a valuable deposit of phosphate under the permit.

(c) "Exploration licenses" allow the licensee to explore known deposits of phosphate to obtain data but do not grant the licensee any preference or other right to a lease.

(d) "Competitive leases" are issued for known deposits of phosphate and allow the lessee to mine the deposit.

(e) "Fringe acreage leases" are issued noncompetitively for known deposits of phosphate on Federal lands adjacent to existing mines on non-Federal lands which can only be mined as part of the existing mining operation.

(f) "Lease modifications" are used to add known deposits of phosphate to an adjacent Federal lease which contains an existing mine provided the deposits can only be mined as part of the existing mining operation.

§ 3510.2 Other applicable regulations.

§ 3510.2–1 General leasing regulations.

Part 3500 of this title contains the general regulations governing the leasing of solid minerals other than coal and oil shale and supplements, as applicable, the regulations in this part. The Part 3500 regulations include, but are not limited to, such matters as multiple mineral development, environmental review, other agency consent and consultation, and lands not available for leasing. Cross-reference to specific regulations in part 3500 is provided in this part as an aid to the reader and is not intended to limit the applicability of Part 3500 of this title only to the cross-referenced regulations.

§ 3510.2–2 Special areas.

Part 3580 of this title contains regulations specific to certain national recreation areas and to certain lands patented to the State of California, and as applicable, supplements this part. Except where specific regulations in Part 3580 of this title are applicable, the regulations in this part and Part 3500 of this title shall govern the leasing of phosphate in those national recreation areas and those patented lands.

§ 3510.3 Allowable acreage holdings.

No person, company, association or corporation may hold at any particular time, directly or indirectly, more than 20,480 acres under prospecting permit and lease in the United States.

Subpart 3511—Lease Terms and Conditions

§ 3511.1 Applicability of lease terms and conditions.

The lease terms and conditions set out under this section apply to all leases issued or readjusted under Part 3510 of this title. Each lease shall be issued on a form approved by the Director and shall be dated as of the first day of the month after its approval by the authorized officer unless the applicant requests in writing that it be dated the first day of the month in which it is approved. Each lease shall authorize in accordance with its terms and conditions the mining of phosphate, phosphate rock and associated or related minerals.

§ 3511.2 Rental and royalty.

§ 3511.2–1 Rental.

(a) Each lease shall provide for the payment of rental annually on or before the anniversary date of the lease. The rental for each acre or fraction thereof shall be at the rate of not less than 25 cents for the first lease year, 50 cents for the second and third lease years, and $1 for each and every year thereafter. The annual rental payment shall not be less than $20. The rental paid for any year shall be credited against the first royalties as they accrue under the lease during the year for which rental was paid.

(b) If the annual rental is not timely remitted, the lessee shall be notified by the authorized officer that, unless payment is made within 30 days from receipt of such notification, action shall be taken to cancel the lease. (See § 3509.4–2)

(c) Remittances of rental shall be made in accordance with § 3503.1 of this title.

§ 3511.2–2 Production royalty.

All leases shall be conditioned upon the payment to the United States of such royalties as may be specified in the lease, which shall be fixed by the authorized officer in advance as provided under § 3503.2–1 of this title but not less than 5 per centum of the gross value of the output of phosphates or phosphate rock and associated or related minerals.

§ 3511.3 Duration of lease.

The lease shall be issued for an indeterminate period subject to the Secretary's right of reasonable readjustment of lease terms and conditions at the end of each 20-year period.

§ 3511.4 Readjustment.

(a) The terms and conditions of a lease are subject to reasonable readjustment at the end of each 20-year period following the effective date of the lease unless otherwise provided by law at the time of expiration of such period. Prior to the expiration of each 20-year period, the authorized officer shall transmit proposed readjusted terms and

conditions to the lessee. If the authorized officer fails to transmit the proposed readjusted terms and conditions prior to the expiration of the 20-year period, the right to readjust the lease shall have been waived until the expiration of the next 20-year term.

(b) The lessee is deemed to have agreed to the readjusted terms and conditions unless within 60 days after receiving them, the lessee files an objection to the readjusted terms and conditions or relinquishes the lease. The authorized officer shall issue a decision responding to the objections, and if the response is adverse to the lessee, the decision shall grant the right of appeal under part 4 of this title. The effective date of the readjustment shall not be affected by the filing of objections or the filing of a notice of appeal.

(c) Except as provided in this paragraph, the readjusted terms and conditions shall be effective pending a response to the objections or the outcome of the appeal provided for in paragraph (b) of this section unless the authorized officer provides otherwise. Upon the filing of an objection or appeal, the obligation to pay any increased readjusted royalties, minimum royalties and rentals shall be suspended pending the outcome of the objection or appeal. However, any such increased royalties, minimum royalties and rentals shall accrue during the pendency of the objection or appeal, commencing with the effective date of the readjustment. If the increased royalties, minimum royalties and rentals are sustained by the decision on the objection or on appeal, the accrued balance, plus interests at the rate specified for late payment by the Service shall be payable (See Part 3590). Pending the decision on the objection or the appeal, the royalties, minimum royalties and rentals shall be payable as specified by the lease terms and conditions in effect prior to the end of the 20-year period.

§ 3511.5 Use of other minerals.

Any phosphate lease issued pursuant to this subpart shall provide that the lessee may use deposits of silica, limestone or other rock on the leased lands in the processing or refining of the phosphates, phosphate rock and associated or related minerals mined from the leased lands upon payment of royalty as set forth in the royalty schedule attached to the lease.

§ 3511.6 Bonds.

Prior to issuance of a lease, the applicant shall furnish a bond in an amount to be determined by the authorized officer, but not less than $5,000. (See Subpart 3504)

§ 3511.7 Special stipulations.

To insure adequate utilization and protection of the lands and their resources, leases shall contain such stipulations as may be prescribed by the authorized officer or the responsible official of the surface management agency if the surface is not under Bureau jurisdiction as described in § 3500.9 of this title. (See also Part 3580)

§ 3511.8 Other applicable regulations.

Leases issued under this part shall also be subject to the conditions set forth in other regulations, including, but not limited to, the following:

(a) Minimum annual production and minimum royalty are covered by § 3503.2–2 of this title.

(b) Suspension of operations and production and suspension of operations are covered by § 3503.3 of this title.

(c) Assignments and subleases are covered by subpart 3506 of this title.

(d) Cancellation and relinquishment are covered by subpart 3509 of this title.

(e) Exploration and mining are covered by Part 3590 of this title.

(f) Royalty management is covered by 30 CFR Chapter II, Subchapter A.

Subpart 3512—Phosphate Prospecting Permits

§ 3512.1 Areas subject to prospecting.

A prospecting permit may be issued for any unclaimed, undeveloped area of available public domain or acquired lands subject to leasing where prospecting or exploratory work is necessary to determine the existence or workability of deposits of phosphate. Discovery of a valuable deposit of phosphate within the term of the permit entitles the permittee to a preference right lease.

§ 3512.2 Rights conferred by issuance of prospecting permits.

A permit shall grant the permittee the exclusive right to prospect on and explore the lands to determine the existence of a valuable deposit of phosphate in accordance with the terms and conditions of the permit. The permittee may remove only such material as is necessary to demonstrate the existence of a valuable mineral deposit.

§ 3512.3 Application for prospecting permit.

§ 3512.3–1 Filing requirements.

(a) An application shall be filed on a form approved by the Director or an exact reproduction of such form.

(b) An application shall be filed in triplicate with the proper BLM office.

(c) The application shall be accompanied by a nonrefundable filing fee of $25, and rental for the first year at the rate of 50 cents per acre, or fraction thereof made payable to the Department of the Interior—Bureau of Land Management. The rental payment shall be for the total acreage if known, and if not known, for the total acreage computed on the basis of 40 acres for each smallest subdivision. The rental payment shall not be less than $20.

§ 3512.3–2 Contents of applications.

Each application shall be typewritten, or printed plainly in ink; manually signed in ink and dated by the applicant or applicant's duly authorized attorney-in-fact, and shall contain the following:

(a) The name and address of the applicant;

(b) A statement of the applicant's qualifications and holdings. (See Subpart 3502); and

(c) A complete and accurate land description in compliance with subpart 3501 of this title. The application shall not include more than 2,560 acres in a reasonably compact form.

§ 3512.3–3 Exploration plans.

After an initial review and clearance of the application indicates that the application is in compliance with the requirements of this subpart, the authorized officer shall require the applicant to file an exploration plan in triplicate, reasonably designed to determine the existence or workability of the deposit. The exploration plan shall, insofar as possible, including the following:

(a) The names, addresses and telephone numbers of persons responsible for operations under the plan and to whom notices and orders are to be delivered;

(b) A brief description, including maps, of geologic, water, vegetation and other physical factors, and the distribution, abundance and habitat of fish and wildlife, particularly threatened and endangered species, that may be affected by the proposed operation within the area where exploration is to be conducted, and the present land use within and adjacent to the area;

(c) A narrative description showing:

(1) The method of exploration and types of equipment to be used;

(2) The measures to be taken to prevent or control fire, soil erosion, pollution of surface and ground water, pollution of air, damage to fish and wildlife or their habitat and other natural resources and hazards to public health and safety, including specific

actions necessary to meet all applicable laws and regulations;

(3) The method for plugging drill holes; and

(4) The measures to be taken for surface reclamation, which shall include as appropriate:

(i) A reclamation schedule;

(ii) The method of grading, backfilling, soil stabilization, compacting and contouring;

(iii) The method of soil preparation and fertilizer application;

(iv) The type and mixture of shrubs, trees, grasses, forbs or other vegetation to be planted; and

(v) The method of planting, including approximate quantity and spacing.

(d) The estimated timetable for each phase of the work and for final completion of the program;

(e) Suitable topographic maps or aerial photographs showing existing bodies of surface water, topographic, cultural and drainage features, and the proposed location of drill holes, trenches and roads; and

(f) Such other data as may be required by the authorized officer.

§ 3512.3–4 Rejection of application.

Any application for a prospecting permit which does not comply with the requirements of this subpart shall be rejected. If the applicant files a new application for the same lands within 30 days of receipt of the rejection, the nonrefundable filing fee and rental payment submitted with the original application shall be applied to the new application, provided the serial number of the original application is shown on the new application. If a new application is not filed within the 30-day period, the advance rental shall be refunded. Priority for the permit shall be established as of the date the corrected application is filed.

§ 3512.4 Determination of priorities.

§ 3512.4–1 Regular filings.

Priority of application shall be determined in accordance with the time of filing.

§ 3512.4–2 Simultaneous filings.

Where more than 1 application is filed at the same time for the same lands, priority shall be determined in accordance with Subpart 1821.2–3 of this title.

§ 3512.5 Amendment to application.

An amendment to an application for a prospecting permit to include additional lands shall receive priority for such additional lands from the date of the filing of the amended application. The amended application shall be accompanied by the required advance rental. No additional filing fees are required.

§ 3512.6 Withdrawal of application.

An application for permit may be withdrawn in whole or in part before the permit is signed on behalf of the United States. Upon acceptance of the withdrawal, the advance rental submitted with the application shall be refunded.

§ 3512.7 Permit bonds.

Prior to issuance of the permit, the applicant shall furnish a bond in an amount determined by the authorized officer, but not less than $1,000. (See Subpart 3504)

§ 3512.8 Terms and conditions of permit.

§ 3512.8–1 Duration of permit.

Prospecting permits are issued for an initial term of 2 years, and may be extended for an additional period not to exceed 4 years as provided in § 3512.9 of this title. No exploration activities other than those approved as part of an existing exploration plan shall be conducted following expiration of the initial term unless and until the permit has been extended by the authorized officer.

§ 3512.8–2 Dating of permits.

The permit shall be dated as of the first day of the month after its approval by the authorized officer unless the applicant requests in writing that it be dated the first day of the month in which it is approved.

§ 3512.8–3 Annual rental.

Rental at the rate of 50 cents per acre or fraction thereof shall be paid annually on or before the anniversary date of the permit. The rental payment shall not be less than $20.

§ 3512.8–4 Special stipulations.

To insure adequate protection of the lands and their resources, permits shall contain such stipulations as may be prescribed by the authorized officer or the responsible official of the surface management agency if the surface is not under Bureau jurisdiction as described in § 3500.9 of this title. (See Part 3580)

§ 3512.9 Prospecting permit extensions.

§ 3512.9–1 Conditions for, and duration of, extensions.

A permit may be extended for a maximum of 4 years at the discretion of the authorized officer provided that:

(a) The permittee has been unable, with reasonable diligence, to determine the existence or workability of valuable deposits covered by the permit and desires to continue the prospecting or exploration program. Reasonable diligence means that, in the opinion of the authorized officer, the permittee has drilled a sufficient number of core holes on the permit area or performed other comparable prospecting to explore the permit area within the time allowed; or

(b) The permittee's failure to perform diligent prospecting activities was due to conditions beyond his/her control.

§ 3512.9–2 Application for extension.

(a) Filing requirements.

(1) No specific application form is required.

(2) Application for extension shall be filed in the proper BLM office at least 90 days prior to expiration of the permit.

(3) Applications for extension shall be accompanied by a nonrefundable filing fee of $25, and advance rental of 50 cents per acre, or fraction thereof made payable to the Department of the Interior—Bureau of Land Management. The rental payment shall not be less than $20.

(b) The application for extension shall:

(1) Demonstrate that the permittee has met the conditions for extension set out in § 3512.9–1 of this title;

(2) Demonstrate the permittee's diligent prospecting activities; and

(3) Show how much additional time is necessary to complete prospecting work.

§ 3512.9–3 Effective date.

The permit extension shall become effective as of the date of approval.

Subpart 3513—Preference Right Lease

§ 3513.1 Application for preference right lease.

§ 3513.1–1 Filing requirements.

(a) No specific application form is required.

(b) An application shall be filed in triplicate with the proper BLM office no later than 60 days after the prospecting permit expires.

(c) The application shall be accompanied by the first year's rental at the rate of 25 cents per acre or fraction thereof made payable to the Department of the Interior—Bureau of Land Management. The rental payment shall not be less than $20. (See subpart 3503)

§ 3513.1–2 Contents of application.

(a) The application shall contain a statement of qualification and holdings in compliance with Subpart 3502 of this title.

(b) The application shall contain a complete and accurate description of the lands in accordance with § 3501.1 of this

title. The lands shall have been included in the prospecting permit and shall not exceed 2,560 acres.

(c) The application shall be accompanied by a map(s) which shows utility systems, the location of any proposed development or mining operations and facilities incidental thereto, including the approximate locations and the extent of the areas to be used for pits, overburden and tailings, and the location of water sources or other resources which may be used in the proposed operations or facilities incidental thereto.

(d) The application shall include a narrative statement setting forth:

(1) The anticipated scope, method and schedule of development operations, including the types of equipment to be used;

(2) The method of mining anticipated, including the best available estimate of the mining sequence and production rate to be followed; and

(3) The relationship, if any, between the mining operations anticipated on the lands applied for and existing or planned mining operations, or facilities incidental thereto, on adjacent Federal or non-Federal lands.

§ 3513.2 Review of application.

§ 3513.2-1 Preference right determination.

The authorized officer shall determine whether the permittee has discovered a valuable deposit of phosphate. The determination shall be based on the data furnished to the authorized officer by the permittee as required by Part 3590 of this title during the life of the permit and supplemental data submitted at the request of the authorized officer to determine the extent and character of the deposit, the anticipated mining and processing methods, the anticipated location, kind and extent of necessary surface disturbance and measures to be taken to reclaim that disturbance.

§ 3513.2-2 Surface management agency.

The surface management agency, if other than the Bureau, shall review the application for preference right lease in accordance with § 3500.9 and Part 3580 of this title, as applicable. The appropriate surface management agency may request supplemental data regarding surface disturbance and reclamation if not otherwise submitted under § 3513.1-2 of this title.

§ 3513.3 Issuance of lease.

The authorized officer shall issue a lease to the holder of a prospecting permit who shows that, within the term of the permit, a valuable deposit of phosphate was discovered.

§ 3513.4 Rejection of application.

(a) The authorized officer shall reject an application for a preference right lease if the authorized officer determines:

(1) That the applicant did not discover a valuable deposit of phosphate;

(2) The applicant did not submit in a timely manner requested information; or

(3) The applicant did not otherwise comply with the requirements of this subpart.

(b) On alleging in an application facts sufficient to show entitlement to a lease, an applicant shall have a right to a hearing before an Administrative Law Judge in the Office of Hearings and Appeals.

(c) At the hearing, the lease applicant shall have both the burden of going forward and the burden of proof by a preponderance of the evidence that a valuable deposit of phosphate was discovered.

Subpart 3514—Exploration License

§ 3514.0-3 Authority.

Section 302(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(b)).

§ 3514.1 Exploration license.

Private parties, jointly or severally, may apply for exploration licenses to explore known, unleased phosphate deposits to obtain geologic, environmental and other pertinent data concerning such deposits.

§ 3514.2 Regulations applicable.

Except as otherwise specifically provided in this subpart, the regulations pertaining to land use authorizations under Part 2920 of this title shall govern the issuance of exploration licenses.

§ 3514.3 Exploration plan.

All applications for exploration licenses shall include an exploration plan which is in full compliance with § 3512.3-3 of this title. The exploration plan, as approved, shall be attached to, and made a part of, the license.

§ 3514.4 Notice of exploration.

Applicants for exploration licenses shall be required to publish a Notice of Exploration inviting other parties to participate in exploration under the license on a pro rata cost sharing basis.

§ 3514.4-1 Contents of notice.

The Notice of Exploration prepared by the authorized officer and furnished to the applicant shall contain:

(a) The name and address of the applicant;

(b) A description of the lands;

(c) The address of the Bureau office where the exploration plan shall be available for inspection; and

(d) An invitation to the public to participate in the exploration under the license.

§ 3514.4-2 Publication and posting of notice.

(a) The applicant shall publish the Notice of Exploration once a week for 3 consecutive weeks in at least 1 newspaper of general circulation in the area where the lands are located.

(b) The authorized officer shall post the notice in the proper BLM office for 30 days.

§ 3514.4-3 Notice of participation.

Any person who seeks to participate in the exploration program shall notify the authorized officer and the applicant in writing within 30 days after posting.

§ 3514.4-4 Decision on plan and participation.

The authorized officer may issue the license naming participants and acreage covered, establishing core hole spacing and resolving any other issue necessary to minimize surface disturbance and inconsistencies between proposed exploration plans.

§ 3514.5 Submission of data.

The licensee shall furnish the authorized officer copies of all data obtained during exploration. All data shall be considered confidential and not made public until the areas involved have been leased or until the authorized officer determines that the data are not exempt from disclosure under the Freedom of Information Act, whichever occurs first.

§ 3514.6 Modification of exploration plan.

Upon application therefor, a modification of the exploration plan may be approved by the authorized officer.

Subpart 3515—Competitive Leasing

§ 3515.1 Lands subject only to competitive leasing.

Lands available for leasing where prospecting or exploratory work is unnecessary to determine the existence or workability of a valuable phosphate deposit may be leased only through competitive sale to the qualified bidder who offers the highest acceptable bonus bid, except as provided in Subparts 3508 and 3516 of this title. A competitive lease sale may be initiated either through an expression of interest or on Bureau motion.

§ 3515.2 Surface managment agency.

Prior to competitive lease offering, the surface management agency shall be consulted in accordance with § 3500.9 and Part 3580 of this title, as applicable.

3515.3 Sale procedures.

§ 3515.3-1 Publication and posting of notice.

Prior to a lease offering, the authorized officer shall publish a notice of lease sale for at least 3 consecutive weeks in a newspaper of general circulation in the area in which the lands are situated. The notice of lease sale shall be posted for 30 days in the public room of the proper BLM office.

§ 3515.3-2 Contents of notice.

The lease sale notice shall include:

(a) The time and place of sale;

(b) The bidding method;

(c) A description of the tract being offered;

(d) A description of the phosphate deposit being offered;

(e) The minimum bid to be considered; and

(f) Information on where a detailed statement of the terms and conditions of the lease sale and of the proposed lease may be obtained.

§ 3515.3-3 Detailed statement.

The authorized officer shall also prepare and make available a detailed statement of sale containing:

(a) The proposed lease on a form approved by the Director with terms and conditions, including the rental, royalty rates, bond amount, and special stipulations for the particular tract;

(b) An explanation of the manner in which bids may be submitted;

(c) A notice that each bid shall be accompanied by the bidder's qualifications (See Part 3502) and one-fifth of the amount bid;

(d) A notice that the successful bidder(s) shall be required, prior to lease issuance, to pay their proportionate share of the total cost of the publication of the sale notice;

(e) A warning to all bidders concerning 18 U.S.C. 1860 which prohibits unlawful combination or intimidation of bidders;

(f) A statement that the Secretary reserves the right to reject any and all bids, and the right to offer the lease to the next qualified bidder if the successful bidder fails to obtain the lease for any reason; and,

(g) Any other information deemed appropriate.

§ 3515.4 Bid opening.

All bids shall be opened and announced at the time and date specified in the notice of lease sale, but no bids shall be accepted or rejected at that time. Bids received after the time specified in the notice of sale shall not be considered. A bid may be withdrawn or modified prior to the time specified in the notice of sale.

§ 3515.5 Award of lease.

After the authorized officer has determined that the highest qualified bid meets or exceeds fair market value, copies of the lease on the form attached to the detailed statement shall be sent to the successful bidder who shall, within a specified time, sign and return the lease form, pay the balance of the bonus bid, pay the first year's rental, pay the publication costs and furnish the required lease bond.

§ 3515.6 Rejection of bid.

(a) If the high bid is rejected for failure of the successful bidder to sign the lease form and pay the balance of the bonus bid, or otherwise comply with the regulations of this subpart, the one-fifth bonus accompanying the bid shall be forfeited to the United States.

(b) If the lease cannot be awarded for reasons determined by the authorized officer to be beyond the control of the successful bidder, the authorized officer shall reject the bid and the deposit submitted with the bid shall be returned.

Subpart 3516—Noncompetitive Leasing—Fringe Acreage Leases and Lease Modifications

§ 3516.1 Lands subject to lease.

Lands available for leasing which are known to contain a phosphate deposit that extends from an adjoining Federal lease or from privately held lands may be leased noncompetitively either by a issuance of a new lease for these lands or by adding such lands to an existing Federal lease.

§ 3516.2 Special requirements.

Before a fringe acreage lease may be issued or a lease modified under this subpart, the authorized officer shall determine the following:

(a) The lands are contiguous to an existing Federal lease or to non-Federal lands owned or controlled by the applicant;

(b)(1) The new lease for the fringe acreage is not in excess of 2,560 acres; or

(2) The acreage of the modified lease, including additional lands, is not in excess of 2,560 acres;

(c) The mineral deposit is not in an area of competitive interest to holders of other active phosphate mining units in the area;

(d) The lands applied for lack sufficient reserves of the mineral resource to warrant independent development; and

(e) Leasing the lands will result in conservation of natural resources and will provide for economical and efficient recovery as part of a mining unit.

§ 3516.3 Filing requirements.

(a) An application shall be filed in triplicate with the proper BLM office. No specific application form is required.

(b) The application shall be accompanied by a nonrefundable filing fee of $25, and an advance rental payment of 25 cents per acre or fraction thereof for a new lease or at the rental rate set forth in the base lease for a modification made payable to the Department of the Interior—Bureau of Land Management. The rental payment shall not be less than $20.

(c) The application shall:

(1) Make reference to the serial number of the lease if the lands adjoin an existing Federal lease;

(2) Contain a complete and accurate description of the lands desired;

(3) Include a showing that a phosphate deposit extends from the applicant's adjoining lease or from private lands owned or controlled by the applicant; and

(4) Include proof of ownership or control of the mineral deposit in the adjoining lands if not under a Federal lease.

§ 3516.4 Surface management agency.

The surface management agency, if other than the Bureau, shall be consulted in accordance with § 3500.9 and Part 3580 of this title, as applicable.

§ 3516.5 Payment of bonus.

Prior to the issuance of a new lease or a modification of an existing lease, the applicant shall be required to pay a bonus in an amount determined by the authorized officer based on an appraisal. In no event, shall such payment be less than $1 per acre or fraction thereof.

§ 3516.6 Terms and conditions of lease.

New leases shall be issued subject to the terms and conditions set out under Subpart 3511 of this title. The terms and conditions of modified leases shall be the same as in the existing leases.

Subpart 3517—Use Permits

§ 3517.1 Use permits.

A lessee or permittee may be granted a right to use the surface of unappropriated and unentered public lands, not exceeding 80 acres, not

included within the boundaries of a national forest if necessary for the proper extraction, treatment or removal of the mineral deposits. This provision is not applicable to National Forest System lands.

§ 3517.1-1 Applications.

Applications for permits to use additional lands shall be filed in triplicate in the proper BLM office. Each application shall be accompanied by a nonrefundable $25 filing fee and the first year's rental. The rental payment shall not be less than $20.

§ 3517.1-2 Rental.

(a) The annual rental charge for use of such lands shall not be less than $1 an acre or fraction thereof. Payment of the rental shall be made on or before the anniversary date of the permit and also shall be required on all use permits issued prior to the effective date of this section.

(b) Any use permit shall terminate if the permittee or lessee fails to pay the rental within 30 days after service of written notice thereof by the authorized officer.

§ 3517.1-3 Additional requirements.

Applications shall set forth the specific reasons why the permittee or lessee needs any additional lands for the use named, describe the lands desired in accordance with Subpart 3501 of this title and also set forth the reasons why the lands are desirable and adapted to the use named, either in point of location, topography or otherwise, and shall assure that they are unoccupied and unappropriated. The application shall also contain an agreement to pay the annual charge prescribed in the permit.

§ 3517.2 Approval.

A use permit shall be issued on a form approved by the Director and dated as of the first day of the month after its issuance unless the applicant requests, in writing, that it be dated the first day of the month of issuance.

PART 3520—SODIUM

Subpart 3520—Sodium Leasing—General

Subpart 3521—Lease Terms and Conditions

Subpart 3522—Sodium Prospecting Permits

Subpart 3523—Preference Right Lease

Subpart 3524—Exploration License

Subpart 3525—Competitive Leasing

Subpart 3526—Noncompetitive Leasing—Fringe Acreage Leases and Lease Modifications

Subpart 3527—Use Permits

Subpart 3528—Lease Renewals

Authority: The Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 et seq.); the Mineral Leasing Act of Acquired Lands of 1947 (30 U.S.C. 351–359); the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); the Act of March 3, 1933, as amended (47 Stat. 1487); Section 10 of the Act of August 4, 1939 (43 U.S.C. 387); the Act of October 8, 1964 (16 U.S.C. 460n et seq.); the Act of November 8, 1965 (16 U.S.C. 460q et seq.); the Act of October 2, 1968 (16 U.S.C. 90c et seq.); the Act of October 27, 1972 (16 U.S.C. 460dd et seq.); the Alaska National Interest Lands Conservation Act (16 U.S.C. 460mm–2–460mm–4); the Independent Offices Appropriations Act (31 U.S.C. 9701).

Subpart 3520—Sodium Leasing—General

§ 3520.0-3 Authority

Authority for leasing deposits of chlorides, sulphates, carbonates, borates, silicates or nitrates of sodium, hereinafter referred to as deposits of sodium or any sodium compound, is shown under § 3500.0-3 (a) and (c) of this title.

§ 3520.1 Leasing procedures.

The regulations in this part provide the procedures for qualified applicants to obtain rights to develop deposits of sodium or any sodium compound found on lands available for leasing. The regulations provide for this in the following manner:

(a) "Prospecting permits" allow the permittee to explore for deposits of sodium or any sodium compound.

(b) "Preference right leases" are issued to the holders of prospecting permits who demonstrate the discovery of a valuable deposit of sodium or any sodium compound under the permit and that the lands covered by the permit are chiefly valuable therefore.

(c) "Exploration licenses" allow the licensee to explore known deposits of sodium or any sodium compound to obtain data but do not grant the licensee any preference or other right to a lease.

(d) "Competitive leases" are issued for known deposits of sodium or any sodium compound and allow the lessee to mine the deposit.

(e) "Fringe acreage leases" are issued noncompetitively for known deposits of sodium or any sodium compound adjacent to existing mines on non-Federal lands which can only be mined as part of the existing mining operation.

(f) "Lease modifications" are used to add known deposits of sodium or any sodium compound to an adjacent Federal lease which contains an existing mine provided the deposits can only be mined as part of the existing mining operation.

§ 3520.2 Other applicable regulations.

§ 3520.2-1 General leasing regulations.

Part 3500 of this title contains the general regulations governing the leasing of solid minerals other than coal and oil shale and supplements, as applicable, the regulations in this part. The regulations in Part 3500 of this title include, but are not limited to, such matters as multiple mineral development, environmental review, other agency consent and consultation, and lands not available for leasing. Cross-reference to specific regulations in Part 3500 of this title is provided in this part as an aid to the reader and is not intended to limit the applicability of Part 3500 of this title only to the cross-referenced regulations.

§ 3520.2-2 Special areas.

Part 3580 of this title contains regulations specific to certain national recreation areas and to certain lands patented to the State of California, and as applicable, supplements this part. Except where specific regulations in Part 3580 of this title are applicable, the regulations in this part and Part 3500 of this title shall govern the leasing of deposits of sodium or any sodium compound in those national recreation areas and those patented lands.

§ 3520.3 Allowable acreage holdings.

No person, company, association or corporation may hold at any particular time, directly or indirectly, more than 5,120 acres under prospecting permit and lease in any 1 State, except that, where the Secretary determines pursuant to 30 U.S.C. 184(b)(2) that it is necessary to secure the economic mining of sodium compounds, holdings may equal 15,360 acres.

Subpart 3521—Lease Terms and Conditions

§ 3521.1 Applicability of lease terms and conditions.

The lease terms and conditions set out under this section apply to all leases issued or renewed under Part 3520 of this title. Each lease shall be issued on a form approved by the Director and shall be dated as of the first day of the month after its approval by the authorized officer unless the applicant requests in writing that it be dated the first day of the month in which it is approved. Each lease shall authorize, in accordance with its terms and conditions, the mining of sodium, sodium compounds and other related products, including, but not limited to, potassium and potassium compounds.

§ 3521.2 Rental and royalty.

§ 3521.2-1 Rental.

(a) Each lease shall provide for the payment of rental annually and in advance for each acre or fraction thereof during the continuance of the lease at the rate of 25 cents for the first calendar year or fraction thereof, 50 cents for the second, third, fourth and fifth calendar years and $1 for each and every year thereafter. Rental is payable annually on or before January 1. The rental paid for any year shall be credited against the first royalties as they accrue under the lease during the year for which rental was paid.

(b) If the annual rental is not timely remitted, the lessee shall be notified by the authorized officer that, unless payment is made within 30 days from receipt of such notification, action shall be taken to cancel the lease. (See § 3509.4-2)

(c) Remittances of rental shall be made in accordance with § 3503.1 of this title.

§ 3521.2-2 Production royalty.

All leases shall be conditioned upon the payment to the United States of such royalties as may be specified in the lease, which shall be fixed by the authorized officer in advance as provided under § 3503.2-1 of this title, but at not less than 2 per centum of the quantity or gross value of the output of sodium compounds and related products at the point of shipment to market.

§ 3521.3 Duration of lease.

The lease shall be issued for an initial term of 20 years subject to a preferential right in the lessee to renew for a 10-year term at the end of the initial term and at the end of each 10-year period thereafter. (See Subpart 3528)

§ 3521.4 Bonds.

Prior to issuance of a lease under this part, the applicant shall furnish a bond in an amount to be determined by the authorized officer but not less than $5,000. (See Subpart 3504)

§ 3521.5 Special stipulations.

To insure adequate utilization and protection of the lands and their resources, leases shall contain such stipulations as may be prescribed by the authorized officer or the responsible official of the surface management agency if the surface is not under Bureau jurisdiction as described in § 3500.9 of this title. (See also Part 3580)

§ 3521.6 Other applicable regulations.

Leases issued under this part shall also be subject to the conditions set forth in other regulations, including, but not limited to, the following:

(a) Minimum annual production and minimum royalty are covered by § 3503.2-2 of this title.

(b) Suspension of operations and production and suspension of operations are covered by § 3503.3 of this title.

(c) Assignments and subleases are covered by part 3506 of this title.

(d) Cancellation and relinquishment are covered by part 3509 of this title.

(e) Exploration and mining are covered by Part 3590 of this title.

(f) Royalty management is covered by 30 CFR Chapter II, Subchapter A.

Subpart 3522—Sodium Prospecting Permits

§ 3522.1 Areas subject to prospecting.

A prospecting permit may be issued for any area of available public domain or acquired lands subject to leasing where prospecting or exploratory work is necessary to determine the existence or workability of deposits of sodium or any sodium compound. If, within the term of the permit, the permittee makes a discovery of a valuable deposit of any of these sodium compounds, and the lands are determined to be chiefly valuable therefor, the permittee is entitled to a preference right lease.

§ 3522.2 Rights conferred by issuance of prospecting permits.

A permit shall grant the permittee the exclusive right to prospect on and explore the lands to determine the existence of a valuable deposit of sodium or any sodium compound in accordance with the terms and conditions of the permit. The permittee may remove only such material as is necessary to demonstrate the existence of a valuable mineral deposit.

§ 3522.3 Application for prospecting permit.

§ 3522.3-1 Filing requirements.

(a) An application shall be filed on a form approved by the Director or an exact reproduction of that form.

(b) An application shall be filed in triplicate with the proper BLM office.

(c) The application shall be accompanied by a nonrefundable filing fee of $25, and rental for the first year at the rate of 50 cents per acre, or fraction

thereof, made payable to the Department of the Interior—Bureau of Land Management. The rental payment shall be for the total acreage if known, and if not known, for the total acreage computed on the basis of 40 acres for each smallest subdivision. The rental payment shall not be less than $20.

§ 3522.3–2 Contents of applications.

Each application shall be typewritten, or printed plainly in ink; manually signed in ink and dated by the applicant or applicant's duly authorized attorney-in-fact, and shall contain the following:

(a) The name and address of the applicant;

(b) A statement of the applicant's qualifications and holdings. (See Subpart 3502); and

(c) A complete and accurate land description in compliance with subpart 3501 of this title. The application shall not include more than 2,560 acres in a reasonably compact form.

§ 3522.3–3 Exploration plans.

After initial review and clearance of the application, but prior to issuance of the prospecting permit, the authorized officer shall require the applicant to file an exploration plan in triplicate, reasonably designed to determine the existence or workability of the deposit. The exploration plan shall, insofar as possible, include the following:

(a) The names, addresses and telephone numbers of persons responsible for operations under the plan and to whom notices and orders are to be delivered;

(b) A brief description, including maps, of geologic, water, vegetation, and other physical factors, and the distribution, abundance, and habitat of fish and wildlife, particularly threatened and endangered species, that may be affected by the proposed operation within the area where exploration is to be conducted, and the present land use within and adjacent to the area;

(c) A narrative description showing:

(1) The method of exploration and types of equipment to be used;

(2) The measures to be taken to prevent or control fire, soil erosion, pollution of surface and ground water, pollution of air, damage to fish and wildlife or their habitat and other natural resources and hazards to public health and safety, including specific actions necessary to meet all applicable laws and regulations;

(3) The method for plugging drill holes; and,

(4) The measures to be taken for surface reclamation, which shall include as appropriate:

(i) A reclamation schedule;

(ii) The method of grading, backfilling, soil stabilization, compacting and contouring;

(iii) The method of soil preparation and fertilizer application;

(iv) The type and mixture of shrubs, trees, grasses, forbs or other vegetation to be planted; and,

(v) The method of planting, including approximate quantity and spacing.

(d) The estimated timetable for each phase of the work and for final completion of the program;

(e) Suitable topographic maps or aerial photographs showing existing bodies of surface water, topographic, cultural and drainage features and the proposed location of drill holes, trenches and roads; and,

(f) Such other data as may be required by the authorized officer.

§ 3522.3–4 Rejection of application.

Any application for a prospecting permit which does not comply with the requirements of this subpart shall be rejected. If the applicant files a new application for the same lands within 30 days of receipt of the rejection, the nonrefundable filing fee and rental payment submitted with the original application shall be applied to the new application, provided the serial number of the original application is shown on the new application. If a new application is not filed within the 30-day period, the advance rental shall be refunded. Priority for the permit shall be established as of the date the corrected application is filed.

§ 3522.4 Determination of priorities.

§ 3522.4–1 Regular filings.

Priority of application shall be determined in accordance with the time of filing.

§ 3522.4–2 Simultaneous filings.

Where more than 1 application is filed at the same time for the same lands, priority shall be determined in accordance with Subpart 1821 of this title.

§ 3522.5 Amendment to application.

An amendment to an application for a prospecting permit to include additional lands shall receive priority for such additional lands from the date of the filing of the amended application. The amended application shall be accompanied by the required advance rental. No additional filing fees are required.

§ 3522.6 Withdrawal of application.

An application for permit may be withdrawn in whole or in part before the permit is signed on behalf of the United States. Upon acceptance of the withdrawal by the authorized officer, the advance rental submitted with the application shall be refunded.

§ 3522.7 Permit bonds.

Prior to issuance of the permit, the applicant shall furnish a bond in an amount determined by the authorized officer, but not less than $1,000. (See Subpart 3504)

§ 3522.8 Terms and conditions of permit.

§ 3522.8–1 Duration of permit.

Prospecting permits are issued for a term of 2 years, and may not be extended.

§ 3522.8–2 Dating of permits.

The permit shall be dated as of the first day of the month after its approval by the authorized officer unless the applicant requests in writing that it be dated the first day of the month in which it is approved.

§ 3522.8–3 Annual rental.

Rental at the rate of 50 cents per acre or fraction thereof shall be paid annually on or before the anniversary date of the permit. The rental payment shall not be less than $20.

§ 3522.8–4 Special stipulations.

To insure adequate protection of the lands and their resources, permits shall contain such stipulations as may be prescribed by the authorized officer or the responsible official of the surface management agency if the surface is not under Bureau jurisdiction as described in § 3500.9 of this title. (See also Part 3580)

Subpart 3523—Preference Right Lease

§ 3523.1 Application for preference right lease.

§ 3523.1–1 Filing requirements.

(a) No specific application form is required.

(b) An application shall be filed in triplicate with the proper BLM office no later than 60 days after the prospecting permit expires.

(c) The application shall be accompanied by the first year's rental at the rate of 25 cents per acre or fraction thereof made payable to the Department of the Interior—Bureau of Land Management. (See Subpart 3503)

§ 3523.1–2 Contents of application.

(a) The application shall include a statement of qualifications and holdings in accordance with Subpart 3502 of this title;

(b) The application shall contain a complete and accurate description of the lands in accordance with § 3501.1 of this title. The lands shall have been included in the prospecting permit and shall not exceed 2,560 acres;

(c) The application shall be accompanied by a map(s) which shows utility systems; the location of any proposed development or mining operations and facilities incidental thereto, including the approximate locations and the extent of the areas to be used for pits, overburden and tailings; and the location of water sources or other resources which may be used in the proposed operations or facilities incidental thereto; and

(d) The application shall include a narrative statement setting forth:

(1) The anticipated scope, method and schedule of development operations, including the types of equipment to be used;

(2) The method of mining anticipated, including the best available estimate of the mining sequence and production rate to be followed; and

(3) The relationship, if any, between the mining operations anticipated on the lands applied for and existing or planned mining operations, or facilities incidental thereto, on adjacent Federal or non-Federal lands.

§ 3523.2 Review of application.

§ 3523.2–1 Preference right determination.

The authorized officer shall determine whether the permittee has discovered a valuable deposit of sodium or any sodium compound and whether the lands are chiefly valuable therefor. The determination shall be based on data furnished to the authorized officer by the permittee as required by Part 3590 of this title during the life of the permit and supplemental data submitted at the request of the authorized officer to determine the extent and character of the deposit, the anticipated mining and processing methods, the anticipated location, kind and extent of necessary surface disturbance and measures to be taken to reclaim that disturbance.

§ 3523.2–2 Surface management agency.

The surface management agency, if other than the Bureau, shall review the application for preference right lease in accordance with § 3500.9 and Part 3580 of this title, as applicable. The appropriate surface management agency may request supplemental data regarding surface disturbance and reclamation if not otherwise submitted under § 3523.1–2 of this title.

§ 3523.3 Issuance of lease.

The authorized officer shall issue a lease to the holder of a prospecting permit who shows that, within the term of the permit, a valuable deposit of sodium or any sodium compound was discovered and that the lands are chiefly valuable therefor.

§ 3523.4 Rejection of application.

(a) The authorized officer shall reject the application for a preference right lease if the authorized officer determines:

(1) That the applicant did not discover a valuable deposit of sodium and/or the lands are not chiefly valuable therefor;

(2) The applicant did not submit requested information in a timely manner; or

(3) The applicant did not otherwise comply with the requirements of this subpart.

(b) On alleging in an application facts the applicant believes to be sufficient to show entitlement to lease, a permittee shall have the right to a hearing before an Administrative Law Judge in the Office of Hearings and Appeals.

(c) At the hearing, the permittee shall have both the burden of going forward and the burden of proof by a preponderance of the evidence that a valuable deposit of sodium or any sodium compound was discovered and that the lands are chiefly valuable therefor.

Subpart 3524—Exploration License

§ 3524.0–3 Authority.

Section 302(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(b)).

§ 3524.1 Exploration license.

Private parties, jointly or severally, may apply for exploration licenses to explore known, unleased deposits of sodium or any sodium compound to obtain geologic, environmental and other pertinent data concerning such deposits.

§ 3524.2 Regulations applicable.

Except as otherwise specifically provided in this subpart, the regulations pertaining to land use authorizations under Part 2920 of this title shall govern the issuance of exploration licenses.

§ 3524.3 Exploration plan.

All applications for exploration licenses shall include an exploration plan which is in full compliance with § 3522.3–3 of this title. The exploration plan, as approved, shall be attached to, and made a part of, the license.

§ 3524.4 Notice of exploration.

Applicants for exploration licenses shall be required to publish a Notice of Exploration inviting other parties to participate in exploration under the license on a pro rata cost sharing basis.

§ 3524.4–1 Contents of notice.

The Notice of Exploration prepared by the authorized officer and furnished to the applicant shall contain:

(a) The name and address of the applicant;

(b) A description of the lands;

(c) The address of the Bureau office where the exploration plan shall be available for inspection; and

(d) An invitation to the public to participate in the exploration under the license.

§ 3524.4–2 Publication and posting of notice.

(a) The applicant shall publish the Notice of Exploration once a week for 3 consecutive weeks in at least 1 newspaper of general circulation in the area where the lands are located.

(b) The authorized officer shall post the notice in the proper BLM office for 30 days.

§ 3524.4–3 Notice of participation.

Any person who seeks to participate in the exploration program shall notify the authorized officer and the applicant in writing within 30 days after posting.

§ 3524.4–4 Decision on plan and participation.

The authorized officer may issue the license naming participants and acreage covered, establishing core hole spacing and resolving any other issue necessary to minimize surface disturbance and inconsistencies between proposed exploration plans.

§ 3524.5 Submission of data.

The licensee shall furnish the authorized officer copies of all data obtained during exploration. All data shall be considered confidential and not made public until the areas involved have been leased or until the authorized officer determines that the data are not exempt from disclosure under the Freedom of Information Act, whichever occurs first.

§ 3524.6 Modification of exploration plan.

Upon application therefor, a modification of the exploration plan may be approved by the authorized officer.

Subpart 3525—Competitive Leasing

§ 3525.1 Lands subject only to competitive leasing.

Lands available for leasing where prospecting or exploratory work is unnecessary to determine the existence or workability of valuable deposits of sodium or any sodium compound may be leased only through competitive sale to the qualified bidder who offers the highest acceptable bonus bid, except as provided in Subparts 3508 and 3526 of this title. A competitive lease sale may be initiated either through an expression of interest or on Bureau motion.

§ 3525.2 Surface management agency.

Prior to competitive lease offering, the surface management agency shall be consulted in accordance with § 3500.9 and Part 3580 of this title, as applicable.

§ 3525.3 Sale procedures.

§ 3525.3-1 Publication and posting of notice.

Prior to a lease offering, the authorized officer shall publish a notice of lease sale for at least 3 consecutive weeks in a newspaper of general circulation in the area in which the lands are situated. The notice of lease sale also shall be posted for 30 days in the public room of the proper BLM office.

§ 3525.3-2 Contents of notice.

The lease sale notice shall include:

(a) The time and place of sale;

(b) The bidding method;

(c) A description of the tract being offered;

(d) A description of the sodium deposit or any sodium compound deposit being offered;

(e) The minimum bid to be considered; and

(f) Information on where a detailed statement of the terms and conditions of the lease sale and of the proposed lease may be obtained.

§ 3525.3-3 Detailed statement.

The authorized officer shall also prepare and make available a detailed statement of sale containing:

(a) The proposed lease on a form approved by the Director with terms and conditions, including the rental, royalty rates, bond amount and special stipulations for the particular tract;

(b) An explanation of the manner in which bids may be submitted;

(c) A notice that each bid shall be accompanied by the bidder's qualifications (See Subpart 3502) and one-fifth of the amount bid;

(d) A notice that the successful bidder(s) shall be required, prior to lease issuance, to pay their proportionate share of the total cost of the publication of the sale notice;

(e) A warning to all bidders concerning 18 U.S.C. 1860 which prohibits unlawful combination or intimidation of bidders;

(f) A statement that the Secretary reserves the right to reject any and all bids, and the right to offer the lease to the next qualified bidder if the successful bidder fails to obtain the lease for any reason; and

(g) Any other information deemed appropriate.

§ 3525.4 Bid opening.

All bids shall be opened and announced at the time and date specified in the notice of lease sale, but no bids shall be accepted or rejected at that time. Bids received after the time specified in the notice of sale shall not be considered. A bid may be withdrawn or modified prior to the time specified in the notice of sale.

§ 3525.5 Award of lease.

After the authorized officer has determined that the highest qualified bid meets or exceeds fair market value, copies of the lease on the form attached to the detailed statement shall be sent to the successful bidder who shall, within a specified time, sign and return the lease form, pay the balance of the bonus bid, pay the first year's rental, pay the publication costs and furnish the required lease bond.

§ 3525.6 Rejection of bid.

(a) If the high bid is rejected for failure of the successful bidder to sign the lease form and pay the balance of the bonus bid, or otherwise comply with the regulations of this subpart, the one-fifth bonus accompanying the bid shall be forfeited to the United States.

(b) If the lease cannot be awarded for reasons determined by the authorized officer to be beyond the control of the successful bidder, the authorized officer shall reject the bid and the deposit submitted with the bid shall be returned.

Subpart 3526—Noncompetitive Leasing—Fringe Acreage Leases and Lease Modifications

§ 3526.1 Lands subject to lease.

Lands available for leasing which are known to contain a deposit of sodium or any sodium compound that extends from an adjoining Federal lease or from privately held lands may be leased noncompetitively either by issuance of a new lease for these lands or by adding such lands to an existing Federal lease.

§ 3526.2 Special requirements.

Before a fringe acreage lease may be issued or a lease modified under this subpart, the authorized officer shall determine the following:

(a) The lands are contiguous to an existing Federal lease or to non-Federal lands owned or controlled by the applicant;

(b)(1) The new lease for the fringe acreage is not in excess of 2,560 acres; or

(2) The acreage of the modified lease, including additional lands, is not in excess of 2,560 acres;

(c) The mineral deposit is not in an area of competitive interest to holders of other active mining units in the area;

(d) The lands applied for lack sufficient reserves of the mineral resource to warrant independent development; and

(e) That leasing the lands will result in conservation of natural resources and will provide for economical and efficient recovery as part of a mining unit.

§ 3526.3 Filing requirements.

(a) An application shall be filed in triplicate with proper BLM office. No specific application form is required.

(b) The application shall be accompanied by a nonrefundable filing fee of $25, and an advance rental payment of 25 cents per acre or fraction thereof for a new lease or at the rental rate set forth in the base lease for a modification made payable to the Department of the Interior—Bureau of Land Management.

(c) The application shall:

(1) Make reference to the serial number of the lease if the lands adjoin an existing Federal lease;

(2) Contain a complete and accurate description of the lands desired;

(3) Include a showing that a sodium deposit or any sodium compound deposit extends from the applicant's adjoining lease or from private lands owned or controlled by the applicant; and

(4) Include proof of ownership or control of the mineral deposit in the adjoining lands if not under a Federal lease.

§ 3526.4 Surface management agency.

The surface management agency, if other than the Bureau, shall be consulted in accordance with § 3500.9 and Part 3580 of this title.

§ 3526.5 Payment of bonus.

Prior to the issuance of a new lease or a modification of an existing lease, the applicant shall be required to pay a bonus in an amount determined by the

authorized officer based on an appraisal. In no event shall such payment be less than $1 per acre or fraction thereof.

§ 3526.6 Terms and conditions of lease.

New leases shall be issued subject to the terms and conditions set out under Subpart 3521 of this title. The terms and conditions of a modified lease shall be the same as in the existing lease.

Subpart 3527—Use Permits

§ 3527.1 Use permits.

A permittee or lessee may be granted a right to use, during the life of the permit or lease, the surface of unoccupied non-mineral public lands, not to exceed 40 acres, that are not included within the boundaries of a national forest, for camp sites, refining works and other purposes connected with, if necessary to, the proper development and use of the deposits covered by the permit or lease.

§ 3527.1-1 Applications.

Applications for permits to use additional lands shall be filed in triplicate in the proper BLM office. No specific form is required. Each application shall be accompanied by a nonrefundable $25 filing fee and the first year's rental. The rental payment shall not be less than $20.

§ 3527.1-2 Rental.

(a) The annual rental charge for use of such lands shall not be less than $1 an acre or fraction thereof. Payment of the rental shall be made on or before the anniversary date of the permit and also shall be required on all use permits issued prior to the effective date of this section.

(b) Any use permit shall terminate if the permittee or lessee fails to pay the required rental within 30 days after service of written notice thereof by the authorized officer.

§ 3527.1-3 Additional requirements.

Applications shall set forth the specific reasons why the permittee or lessee needs the additional lands for the use named, describe the lands desired in accordance with Subpart 3501 of this title and also set forth the reasons why the lands are desirable and adapted to the use named, either in point of location, topography or otherwise, and shall assure that they are unoccupied and unappropriated. The application shall also contain an agreement to pay the annual charge prescribed in the permit.

§ 3527.2 Approval.

A use permit shall be issued on a form approved by the Director and dated as of the first day of the month after its issuance unless the applicant requests in writing that it be dated the first day of the month of issuance.

Subpart 3528—Lease Renewals

§ 3528.1 Applications.

An application for lease renewal shall be filed at least 90 days prior to the expiration of the lease term. No specific form is required. All applications shall be filed in triplicate in the proper BLM office together with a nonrefundable $25 filing fee and an advance rental payment of $1 per acre or fraction thereof.

§ 3528.2 Bonds.

Prior to the issuance of a renewal lease, the lessee may be required to furnish a new bond as prescribed by Subpart 3504 of this title.

§ 3528.3 Failure to apply for renewal.

If the holder of a lease fails to apply for renewal as provided in § 3528.1 of this title, the lease shall expire on the last day of the current lease term.

§ 3528.4 Lease terms and conditions.

Each lease, if renewed, shall be issued on a form approved by the Director and shall be effective the first day of the month following its approval by the authorized officer or the first day of the month following the expiration of the current lease, whichever is later, and shall otherwise be subject to the terms and conditions set forth under Subpart 3521 of this title.

PART 3530—POTASSIUM

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Authority: The Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 et seq.); the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351-359); the Federal Land Policy and Management Act of 1976 (43 U.S.C.1701 et seq.); the Act of March 3, 1933, as amended

(47 Stat. 1497); section 10 of the Act of August 4, 1939 (43 U.S.C. 387); the Act of October 8, 1964 (16 U.S.C. 460n et seq.); the Act of November 8, 1965 (16 U.S.C. 460q et seq.); the Act of October 2, 1968 (16 U.S.C. 90c et seq.); the Act of October 27, 1972 (16 U.S.C. 460dd et seq.); the Alaska National Interest Lands Conservation Act (16 U.S.C. 460mm–2–460mm–4); the Independent Offices Appropriations Act (31 U.S.C 9701).

Subpart 3530—Potassium Leasing—General

§ 3530.0–3 Authority.

Authority for leasing deposits of chlorides, sulphates, carbonates, borates, silicates or nitrates of potassium, hereinafter referred to as deposits of potassium or any potassium compound, is shown under § 3500.0–3 (a) and (c) of this title.

§ 3530.1 Leasing procedures.

The regulations in this part provide the procedures for qualified entities to obtain rights to develop deposits of potassium or any potassium compound found on lands available for leasing. The regulations provide for this in the following manner:

(a) "Prospecting permits" allow the permittee to explore for deposits of potassium or any potassium compound.

(b) "Preference right leases" are issued to the holders of prospecting permits who demonstrate the discovery of a valuable deposit of potassium or any potassium compound under the permit and the lands covered by the permit are chiefly valuable for potassium or any potassium compound.

(c) "Exploration licenses" allow the licensee to explore known deposits of potassium or any potassium compound to obtain data but do not grant the licensee any preference or other right to a lease.

(d) "Competitive leases" are issued for known deposits of potassium or any potassium compound and allow the lessee to mine the deposit.

(e) "Fringe acreage leases" are issued noncompetitively for known deposits of potassium or any potassium compound adjacent to existing mines on non-Federal lands which can only be mined as part of the existing mining operation.

(f) "Lease modifications" are used to add known deposits of potassium or any potassium compound to an adjacent Federal lease which contains an existing mine, provided the deposits can only be mined as part of the existing mining operation.

§ 3530.2 Other applicable regulations.

§ 3530.2–1 General leasing regulations.

Part 3500 of this title contains the general regulations governing the leasing of solid minerals other than coal and oil shale and supplements, as applicable, the regulations in this part. The Part 3500 regulations include, but are not limited to, such matters as multiple mineral development, environmental review, other agency consent and consultation, and lands not available for leasing. Cross-reference to specific regulations in Part 3500 is provided in this part as an aid to the reader and is not intended to limit the applicability of Part 3500 only to the cross-referenced regulations.

§ 3530.2–2 Special areas.

Part 3580 of this title contains regulations specific to certain national recreation areas and to certain lands patented to the State of California, and as applicable, supplements this part. Except where specific regulations in Part 3580 of this title are applicable, the regulations in this part and Part 3500 of this title shall govern the leasing of deposits of potassium or any potassium compound in those national recreation areas and those patented lands.

§ 3530.3 Allowable acreage holdings.

No person, association or corporation shall hold at any particular time, either directly or indirectly, more than 51,200 acres in permits and leases in any 1 State, except, the authorized officer may authorize additional acreage if he/she finds, upon a satisfactory showing by the applicant, that the additional acreage is needed for the economic and efficient extraction of potassium from concentrated brines in connection with the lessee's existing mining operations.

Subpart 3531—Lease Terms and Conditions

§ 3531.1 Applicability of lease terms and conditions.

The lease terms and conditions set out under this section apply to all leases issued or readjusted under Part 3530 of this title. Each lease shall be issued on a form approved by the Director and shall be dated as of the first day of the month after its approval by the authorized officer unless the applicant requests in writing that it be dated the first day of the month in which it is approved. Each lease shall authorize, in accordance with its terms and conditions, the mining of potassium, potassium compounds and other related products, including, but not limited to, sodium and sodium compounds.

§ 3531.2 Rental and royalty.

§ 3531.2–1 Rental.

(a) Each lease shall provide for the payment of rental at the rate of 25 cents per acre or fraction thereof for the first calendar year or fraction thereof, 50 cents for the second, third, fourth and fifth years and $1 for the sixth and each succeeding year during the continuance of the lease. Rental is payable annually on or before January 1. The rental paid for any year shall be credited against the first royalties that accrue under the lease during the year for which the rental was paid.

(b) If the annual rental is not timely remitted, the lessee shall be notified by the authorized officer that, unless payment is made within 30 days from receipt of such notification, action shall be taken to cancel the lease. (See § 3509.4–2)

(c) Remittances of rental shall be made in accordance with § 3503.1 of this title.

§ 3531.2–2 Production royalty.

All leases shall be conditioned upon the payment of such royalties as may be specified in the lease as fixed by the authorized officer in advance as provided under § 3503.2–1 of this title, but shall not be less than 2 per centum of the quantity or gross value of the output of potassium compounds and other related products, except sodium, at the point of shipment to market.

§ 3531.3 Duration of lease.

The lease shall be issued for an indeterminate period subject to the Secretary's right of reasonable readjustment of lease terms and conditions at the end of each 20-year period.

§ 3531.4 Readjustment.

(a) The terms and conditions of a lease are subject to reasonable readjustment at the end of each 20-year period following the effective date of the lease unless otherwise provided by law at the time of expiration of such period. Prior to the expiration of each 20-year period, the authorized officer shall transmit proposed readjusted terms and conditions to the lessee. If the authorized officer fails to transmit the proposed readjusted terms and conditions prior to the expiration of the 20-year period, the right to readjust the lease shall have been waived until the expiration of the next 20-year term.

(b) The lessee is deemed to have agreed to the readjusted terms and conditions unless, within 60 days after receiving them, the lessee files an objection to the readjusted terms or relinquishes the lease. The authorized officer shall issue a decision responding to the objections, and if the response is adverse to the lessee, the decision shall grant the right of appeal under Part 4 of

this title. The effective date of the readjustment shall not be affected by the filing of objections or by the filing of a notice of appeal.

(c) Except as provided in this paragraph, the readjusted lease terms and conditions shall be effective pending the outcome of the objections of the appeal provided for in paragraph (b) of this section unless the authorized officer provides otherwise. Upon the filing of an objection or appeal, the obligation to pay any increased readjusted royalties, minimum royalties and rentals shall be suspended pending the outcome of the objection or appeal. However, any such increased royalties, minimum royalties and rentals shall accrue during the pendency of the appeal, commencing with the effective date of the readjustment. If the increased royalties, minimum royalties and rentals are sustained by the decision on the objection or on appeal, the accrued balance, plus interest at the rate specified for late payment by the Service shall be payable (See Part 3590). Pending the decision on the objection or the appeal, the royalties, minimum royalties and rentals shall be payable as specified by the lease terms and conditions in effect prior to the end of the 20-year period

§ 3531.5 Bonds.

Prior to issuance of a lease under this part, the applicant shall furnish a bond in an amount to be determined by the authorized officer but not less than $5,000. (See Subpart 3504)

§ 3531.6 Special stipulations.

To insure adequate utilization and protection of the lands and their resources, leases shall contain such stipulations as may be prescribed by the authorized officer or the responsible official of the surface management agency if the surface is not under Bureau jurisdiction.

§ 3531.7 Other applicable regulations.

Leases issued under this part shall also be subject to the conditions set forth in other regulations, including, but not limited to, the following:

(a) Minimum annual production and minimum royalty are covered by § 3503.2–2 of this title.

(b) Suspension of operations and production and suspension of operations are covered by § 3503.3 of this title.

(c) Assignments and subleases are covered by Subpart 3506 of this title.

(d) Cancellation and relinquishment are covered by Subpart 3500 of this title.

(e) Exploration and mining are covered by Part 3590 of this title.

(f) Royalty management is covered by 30 CFR Chapter II, Subchapter A.

Subpart 3532—Potassium Prospecting Permits

§ 3532.1 Areas subject to prospecting.

A prospecting permit may be issued for any area of available public domain and acquired lands subject to leasing where prospecting or exploratory work is necessary to determine the existence or workability of deposits of potassium or any potassium compound, except prospecting permits may not be issued for lands in or adjacent to Searles Lake, California. If, within the term of the permit, the permittee makes a discovery of a valuable deposit of potassium or any potassium compound, and the lands are determined to be chiefly valuable therefor, the permittee is entitled to a preference right lease.

§ 3532.2 Rights conferred by issuance of prospecting permits.

A permit shall grant the permittee the exclusive right to prospect on and explore the lands to determine the existence of a valuable deposit of potassium or any potassium compound in accordance with the terms and conditions of the permit. The permittee may remove only such material as may be necessary to demonstrate the existence of a valuable mineral deposit.

§ 3532.3 Application for prospecting permit.

§ 3532.3–1 Filing requirements.

(a) An application shall be filed on a form approved by the Director or an exact reproduction of such form.

(b) An application shall be filed in triplicate with the proper BLM office.

(c) The application shall be accompanied by a nonrefundable filing fee of $25, and rental for the first year at the rate of 50 cents per acre, or fraction thereof made payable to the Department of the Interior—Bureau of Land Management. The rental payment shall be for the total acreage if known, and if not known, for the total acreage computed on the basis of 40 acres for each smallest subdivision, but shall not be less than $20.

§ 3532.3–2 Contents of applications.

Each application shall be typewritten, or printed plainly in ink; manually signed in ink and dated by the applicant or applicant's duly authorized attorney-in-fact, and shall contain the following:

(a) The name and address of the applicant;

(b) A statement of the applicant's qualifications and holdings. (See Subpart 3502); and

(c) A complete and accurate land description in compliance with Subpart 3501 of this title. The application shall not include more than 2,560 acres in a reasonably compact form.

§ 3532.3–3 Exploration plans.

After initial review and clearance of the application, but prior to issuance of the prospecting permit, the authorized officer shall require the applicant to file an exploration plan in triplicate, reasonably designed to determine the existence or workability of the deposit. The exploration plan shall, insofar as possible, include the following:

(a) The names, addresses and telephone numbers of persons responsible for operations under the plan and to whom notices and orders are to be delivered;

(b) A brief description, including maps, of geologic, water, vegetation, and other physical factors, and the distribution, abundance and habitat of fish and wildlife, particularly threatened and endangered species, that may be affected by the proposed operation within the area where exploration is to be conducted, and the present land use within and adjacent to the area;

(c) A narrative description showing:

(1) The method of exploration and types of equipment to be used;

(2) The measures to be taken to prevent or control fire, soil erosion, pollution of surface and ground water, pollution of air, damage to fish and wildlife or their habitat and other natural resources, and hazards to public health and safety, including specific actions necessary to meet all applicable laws and regulations;

(3) The method for plugging drill holes; and

(4) The measures to be taken for surface reclamation, which shall include as appropriate:

(i) A reclamation schedule;

(ii) The method of grading, backfilling, soil stabilization, compacting and contouring;

(iii) The method of soil preparation and fertilizer application;

(iv) The type and mixture of shrubs, trees, grasses, forbs or other vegetation to be planted; and

(v) The method of planting, including approximate quantity and spacing;

(d) The estimated timetable for each phase of the work and for final completion of the program;

(e) Suitable topographic maps or aerial photographs showing existing bodies of surface water, topographic, cultural and drainage features, and the proposed location of drill holes, trenches and roads; and

(f) Such other data as may be required by the authorized officer.

§ 3532.3–4 Rejection of application.

Any application for a prospecting permit that does not comply with the requirements of this subpart shall be rejected. If the applicant files a new application for the same lands within 30 days from receipt of the rejection, the nonrefundable filing fee and rental payment submitted with the original application shall be applied to the new application, provided the serial number of the original application is shown on the new application. If a new application is not filed within the 30-day period, the advance rental shall be refunded. Priority for the permit shall be established as of the date the corrected application is filed.

§ 3532.4 Determination of priorities.

§ 3532.4–1 Regular filings.

Priority of application shall be determined in accordance with the time of filing.

§ 3532.4–2 Simultaneous filings.

Where more than 1 application is filed at the same time for the same lands, priority shall be determined in accordance with Subpart 1821 of this title.

§ 3532.5 Amendment to application.

An amendment to an application for a prospecting permit to include additional lands shall receive priority for such additional lands from the date of the filing of the amended application. The amended application shall be accompanied by the required advance rental. No additional filing fees are required.

§ 3532.6 Withdrawal of application.

An application for permit may be withdrawn in whole or in part before the permit is signed on behalf of the United States. Upon acceptance of the withdrawal by the authorized officer, the advance rental submitted with the application shall be refunded.

§ 3532.7 Permit bonds.

Prior to issuance of the permit, the applicant shall furnish a bond in an amount determined by the authorized officer, but not less than $1,000. (See Subpart 3504)

§ 3532.8 Terms and conditions of permit.

§ 3532.8–1 Duration of permit.

Prospecting permits are issued for a term of 2 years, and may be extended for an additional 2 year period. No exploration activities other than those approved as part of an existing exploration plan shall be conducted following expiration of the initial term unless and until the permit has been extended by the authorized officer.

§ 3532.8–2 Dating of permits.

The permit shall be dated as of the first day of the month after its approval by the authorized officer unless the applicant requests in writing that it be dated the first day of the month in which it is approved.

§ 3532.8–3 Annual rental.

Rental at the rate of 50 cents per acre or fraction thereof shall be paid annually on or before the anniversary date of the permit. The rental payment shall not be less than $20.

§ 3532.8–4 Special stipulations.

To insure adequate protection of the lands and their resources, permits shall contain such stipulations as may be prescribed by the authorized officer or the responsible official of the surface management agency if the surface is not under Bureau jurisdiction as described in §3500.9 of this title. (See also Part 3580)

§ 3532.9 Prospecting permit extensions.

§ 3532.9–1 Conditions for, and duration of, extensions.

A permit may be extended for a maximum of 2 years by the authorized officer provided that:

(a) The permittee has been unable, with reasonable diligence, to determine the existence or workability of valuable deposits covered by the permit and desires to continue the prospecting or exploration program. Reasonable diligence means that, in the opinion of the authorized officer, the permittee has drilled a sufficient number of core holes on the permit area or performed other comparable prospecting to explore the permit area within the time allowed; or

(b) The permittee's failure to perform diligent prospecting activities was due to conditions beyond his/her control.

§ 3532.9–2 Application for extension.

(a) Filing requirements.

(1) No specific application form is required.

(2) Application for extension shall be filed in the proper BLM office at least 90 days prior to expiration of the permit.

(3) Applications for extension shall be accompanied by a nonrefundable filing fee of $25, and advance rental of 50 cents per acre or fraction thereof made payable to the Department of the Interior—Bureau of Land Management. The rental payment shall not be less than $20.

(b) The application for extension shall, if applicable:

(1) Demonstrate that the permittee has met the conditions for extension set forth in § 3532.9–1 of this title;

(2) Demonstrate the permittee's diligent prospecting activities; and

(3) Show how much additional time is necessary to complete prospecting work.

§ 3532.9–3. Effective date.

The permit extension shall become effective as of the date of approval.

Subpart 3533—Preference Right Lease

§ 3533.1 Application for preference right lease.

§ 3533.1–1 Filing requirements.

(a) No specific application form is required.

(b) An application shall be filed in triplicate with the proper BLM office no later than 60 days after the prospecting permit expires.

(c) The application shall be accompanied by the first year's rental at the rate of 25 cents per acre or fraction thereof made payable to the Department of the Interior—Bureau of Land Management. (See Subpart 3503)

§ 3533.1–2 Contents of application.

(a) The application shall include a statement of qualifications and holdings in accordance with Subpart 3502 of this title.

(b) The application shall contain a complete and accurate description of the lands in accordance with § 3501.1 of this title. The lands shall have been included in the prospecting permit and shall not exceed 2,560 acres.

(c) The application shall be accompanied by a map(s) which shows utility systems; the location of any proposed development or mining operations and facilities incidental thereto, including the approximate locations and the extent of the areas to be used for pits, overburden and tailings; and the location of water sources or other resources which may be used in the proposed operations or facilities incidental thereto.

(d) The application shall include a narrative statement setting forth:

(1) The anticipated scope, method and schedule of development operations, including the types of equipment to be used;

(2) The method of mining anticipated, including the best available estimate of the mining sequence and production rate to be followed; and

(3) The relationship, if any, between the mining operations anticipated on the lands applied for and existing or

planned mining operations, or facilities incidental thereto, on adjacent Federal or non-Federal lands.

§ 3533.2 Review of application.

§ 3533.2-1 Preference right determination.

The authorized officer shall determine whether the permittee has discovered a valuable deposit of potassium or any potassium compound and whether the lands are chiefly valuable therefor. The determination shall be based on data furnished to the authorized officer by the permittee as required by Part 3590 of this title during the life of the permit and supplemental data submitted at the request of the authorized officer to determine the extent and character of the deposit, the anticipated mining and processing methods, the anticipated location, kind and extent of necessary surface disturbance and measures to be taken to reclaim that disturbance.

§ 3533.2-2 Surface management agency.

The surface management agency, if other than the Bureau, shall review the application for preference right lease in accordance with § 3500.9 and Part 3580 of this title, as applicable. The appropriate surface management agency may request supplemental data regarding surface disturbance and reclamation if not otherwise submitted under § 3533.1-2 of this title.

§ 3533.3 Issuance of lease.

The authorized officer shall issue a lease to the holder of a prospecting permit who shows that, within the term of the permit, a valuable deposit of potassium or any potassium compound was discovered and that the lands are chiefly valuable therefor.

§ 3533.4 Rejection of application.

(a) The authorized officer shall reject an application for a preference right lease if the authorized officer determines:

(1) That the applicant did not discover a valuable deposit of potassium and/or the lands are not chiefly valuable therefor;

(2) The applicant did not submit in a timely manner requested information; or

(3) The applicant did not otherwise comply with the requirements of this subpart.

(b) On alleging in an application facts the applicant believes to be sufficient to show entitlement to a lease, a permittee shall have the right to a hearing before an Administrative Law Judge in the Office of Hearings and Appeals.

(c) At the hearing, the permittee shall have both the burden of going forward and the burden of proof by a preponderance of the evidence that a valuable deposit of potassium or any potassium compound was discovered and that the lands are chiefly valuable therefor.

Subpart 3534—Exploration License

§ 3534.0-3 Authority.

Section 302(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(b)).

§ 3534.1 Exploration license.

Private parties, jointly or severally, may apply for exploration licenses to explore known, unleased deposits of potassium or any potassium compound to obtain geologic, environmental and other pertinent data concerning such deposits.

§ 3534.2 Regulations applicable.

Except as otherwise specifically provided in this subpart, the regulations pertaining to land use authorizations under Part 2920 of this title shall govern the issuance of exploration licenses.

§ 3534.3 Exploration plan.

All applications for exploration licenses shall include an exploration plan which is in full compliance with § 3532.3-3 of this title. The exploration plan, as approved, shall be attached to, and made a part of, the license.

§ 3534.4 Notice of exploration.

Applicants for exploration licenses shall be required to publish a Notice of Exploration inviting other parties to participate in exploration under the license on a pro rata cost sharing basis.

§ 3534.4-1 Contents of notice.

The Notice of Exploration prepared by the authorized officer and furnished to the applicant shall contain:

(a) The name and address of the applicant;

(b) A description of the lands;

(c) The address of the Bureau office where the exploration plan shall be available for inspection; and

(d) An invitation to the public to participate in the exploration under the license.

§ 3534.4-2 Publication and posting of notice.

(a) The applicant shall publish the Notice of Exploration once a week for 3 consecutive weeks in at least 1 newspaper of general circulation in the area where the lands are located.

(b) The authorized officer shall post the notice in the proper BLM office for 30 days.

§ 3534.4-3 Notice of participation.

Any person who seeks to participate in the exploration program shall notify the authorized officer and the applicant in writing within 30 days after posting of the Notice of Exploration.

§ 3534.4-4 Decision on plan and participation.

The authorized officer may issue the license naming participants and acreage covered, establishing core hole spacing and resolving any other issue necessary to minimize surface disturbance and inconsistencies between proposed exploration plans.

§ 3534.5 Submission of data.

The licensee shall furnish the authorized officer copies of all data obtained during exploration. All data shall be considered confidential and not made public until the areas involved have been leased or until the authorized officer determines that the data are not exempt from disclosure under the Freedom of Information Act, whichever occurs first.

§ 3534.6 Modification of exploration plan.

Upon application therefor, a modification of the exploration plan may be approved by the authorized officer.

Subpart 3535—Competitive Leasing

§ 3535.1 Lands subject only to competitive leasing.

(a) Lands available for leasing where prospecting or exploratory work is unnecessary to determine the existence or workability of a valuable deposit of potassium or any potassium compound may be leased only through competitive sale to the qualified bidder who offers the highest acceptable bonus bid, except as provided in Parts 3508 and 3536 of this title. A competitive lease sale may be initiated either through an expression of interest or on Bureau motion.

(b) Leases may be offered for lands in or adjacent to Searles Lake, California, without regard to the quantity or quality of the potassium deposit that may be present therein.

§ 3535.2 Surface management agency.

Prior to competitive lease offering, the surface management agency shall be consulted in accordance with § 3500.9 and Part 3580 of this title, as applicable.

§ 3535.3 Sale procedures.

§ 3535.3-1 Publication and posting of notice.

Prior to a lease offering, the authorized officer shall publish a notice of lease sale for at least 3 consecutive weeks in a newspaper of general circulation in the area in which the lands are situated. The notice of lease

sale also shall be posted for 30 days in the public room of the proper BLM office.

§ 3535.3–2 Contents of notice.

The lease sale notice shall include:

(a) The time and place of sale;

(b) The bidding method;

(c) A description of the tract being offered;

(d) A description of the deposit of potassium or any potassium compound being offered;

(e) The minimum bid to be considered; and

(f) Information on where a detailed statement of the terms and conditions of the lease sale and of the proposed lease may be obtained.

§ 3535.3–3 Detailed statement.

The authorized officer shall also prepare and make available a detailed statement of sale containing:

(a) The lease form approved by the Director with terms and conditions, including the rental, royalty rates, bond amount and special stipulations;

(b) An explanation of the manner in which bids may be submitted;

(c) A notice that each bid shall be accompanied by the bidder's qualifications (See Subpart 3502) and one-fifth of the amount bid;

(d) A notice that the successful bidder(s) shall be required, prior to lease issuance, to pay their proportionate share of the total cost of the publication of the sale notice;

(e) A warning to all bidders concerning 18 U.S.C. 1860 which prohibits unlawful combination or intimidation of bidders;

(f) A statement that the Secretary reserves the right to reject any and all bids, and the right to offer the lease to the next qualified bidder if the successful bidder fails to obtain the lease for any reason; and

(g) Any other information deemed appropriate.

§ 3535.4 Bid opening.

All bids shall be opened and announced at the time and date specified in the notice of lease sale, but no bids shall be accepted or rejected at that time. Bids received after the time specified in the notice of sale shall not be considered. A bid may be withdrawn or modified prior to the time specified in the notice of sale.

§ 3535.5 Award of lease.

After the authorized officer has determined that the highest qualified bid meets or exceeds fair market value, copies of the lease on the form attached to the detailed statement shall be sent to the successful bidder who shall, within a specified time, sign and return the lease form, pay the balance of the bonus bid, pay the first year's rental, pay the publication costs and furnish the required lease bond.

§ 3535.6 Rejection of bid.

(a) If the high bid is rejected for failure of the successful bidder to sign the lease form and pay the balance of the bonus bid, or otherwise comply with the regulations of this subpart, the one-fifth bonus accompanying the bid shall be forfeited to the United States.

(b) If the lease cannot be awarded for reasons determined by the authorized officer to be beyond the control of the successful bidder, the authorized officer shall reject the bid and the deposit submitted with the bid shall be returned.

Subpart 3536—Noncompetitive Leasing—Fringe Acreage Leases and Lease Modifications

§ 3536.1 Lands subject to lease.

Lands available for leasing which are known to contain a deposit of potassium or any potassium compound that extends from an adjoining Federal lease or from privately held lands may be leased noncompetitively either by issuance of a new lease for these lands or by adding such lands to an existing Federal lease.

§ 3536.2 Special requirements.

Before a fringe acreage lease may be issued or a lease modified under this subpart, the authorized officer shall determine the following:

(a) The lands are contiguous to an existing Federal lease or to non-Federal lands owned or controlled by the applicant;

(b)(1) The new lease for the fringe acreage is not in excess of 2,560 acres; or

(2) The acreage of the modified lease, including additional lands, is not in excess of 2,560 acres;

(c) The mineral deposit is not in an area of competitive interest to holders of other active mining units in the area;

(d) The lands applied for lack sufficient reserves of the mineral resource to warrant independent development; and

(e) That leasing the lands will result in conservation of natural resources and will provide for economical and efficient recovery as part of a mining unit.

§ 3536.3 Filing requirements.

(a) An application shall be filed in triplicate with the proper BLM office. No specific application form is required.

(b) The application shall be accompanied by a nonrefundable filing fee of $25, and an advance rental payment of 25 cents per acre or fraction thereof for a new lease or at the rental rate set forth in the base lease for a modification made payable to the Department of the Interior—Bureau of Land Management.

(c) The application shall:

(1) Make reference to the serial number of the lease if the lands adjoin an existing Federal lease;

(2) Contain a complete and accurate description of the lands desired;

(3) Include a showing that a deposit of potassium or any potassium compound extends from the applicant's adjoining lease or from private lands owned or controlled by the applicant; and

(4) Include proof of ownership or control of the mineral deposit in the adjoining lands if not under a Federal lease.

§ 3536.4 Surface management agency.

The surface management agency, if other than the Bureau, shall be consulted in accordance with § 3500.9 and Part 3580 of this title, as applicable.

§ 3536.5 Payment of bonus.

Prior to the issuance of a new lease or a modification of an existing lease, the applicant shall be required to pay a bonus in an amount determined by the authorized officer based on an appraisal. In no event shall such payment be less than $1 per acre or fraction thereof.

§ 3536.6 Terms and conditions of lease.

New leases shall be issued subject to the terms and conditions set out under Subpart 3531 of this title. The terms and conditions of a modified lease shall be the same as in the existing lease.

PART 3540—SULPHUR

Subpart 3540—Sulphur Leasing—General

Sec.

Subpart 3541—Lease Terms and Conditions

Subpart 3542—Sulphur Prospecting Permits

Authority: The Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 et seq.); the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351–359); the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); the Act of March 3, 1933, as amended (47 Stat. 1487); section 10 of the Act of August 4, 1939 (43 U.S.C. 387); the Act of October 8, 1964 (16 U.S.C. 460n et seq.); the Act of November 8, 1965 (16 U.S.C. 460q et seq.); the Act of October 2, 1968 (16 U.S.C. 90c et seq.); the Act of October 27, 1972 (16 U.S.C. 460dd et seq.); the Alaska National Interest Lands Conservation Act (16 U.S.C.C 460mm–2–460mm–4); the Independent Offices Appropriations Act (31 U.S.C. 9701).

Subpart 3540—Sulphur Leasing—General

§ 3540.0–3 Authority.

Authority for leasing deposits of sulphur is shown under § 3500.0–3 (a) and (c) of this title.

§ 3540.1 Leasing procedures.

The regulations in this part provide the procedures for qualified applicants to obtain rights to develop deposits of sulphur found on public domain lands in New Mexico and Louisiana and on all acquired lands which are available for leasing. The regulations provide for this in the following manner:

(a) "Prospecting permits" allow the permittee to explore for deposits of sulphur.

(b) "Preference right leases" are issued to holders of prospecting permits who demonstrate the discovery of a valuable deposit of sulphur under the permit and demonstrate that the lands covered by the permit are chiefly valuable for sulphur.

(c) "Exploration licenses" allow the licensee to explore known deposits of sulphur to obtain data but do not grant the licensee any preference or other right to a lease.

(d) "Competitive leases" are issued for known deposits of sulphur and allow the lessee to mine the deposit.

(e) "Fringe acreage leases" are issued noncompetitively for known deposits of sulphur adjacent to existing mines on non-Federal lands which can only be mined as part of the existing mining operation.

(f) "Lease modifications" are used to add known deposits of sulphur to an adjacent Federal lease which contains an existing mine provided the deposits can only be mined as part of the existing mining operation.

§ 3540.2 Other applicable regulations.

§ 3540.2–1 General leasing regulations.

Part 3500 of this title contains the general regulations governing the leasing of solid minerals other than coal and oil shale and supplements, as applicable, the regulations in this part. The regulations in Part 3500 of this title include, but are not limited to, such matters as multiple mineral development, environmental review, other agency consent and consultation, and lands not available for leasing. Cross-reference to specific regulations in Part 3500 of this title is provided in this part as an aid to the reader and is not intended to limit the applicability of Part 3500 of this title only to the cross-referenced regulations.

§ 3540.2–2 Special areas.

Part 3580 of this title contains regulations specific to certain national recreation areas and to certain lands patented to the State of California, and as applicable, supplements this part. Except where specific regulations in Part 3580 of this title are applicable, the regulations in this part and Part 3500 of this title shall govern the leasing of sulphur in those national recreation areas and those patented lands.

§ 3540.3 Allowable acreage holdings.

No person, company, association or corporation may hold at any particular time, more than 1,920 acres in the aggregate in 3 prospecting permits and leases in any 1 State.

Subpart 3541—Lease Terms and Conditions

§ 3541.1 Applicability of lease terms and conditions.

The lease terms and conditions set out under this section apply to all leases issued or renewed under Part 3540 of this title. Each lease shall be issued on a form approved by the Director and shall be dated as of the first day of the month after its approval by the authorized officer unless the applicant requests in writing that it be dated the first day of the month in which it is approved. Each lease shall authorize, in accordance with its terms and conditions, the mining of sulphur.

§ 3541.2 Rental and royalty.

§ 3541.2–1 Rental.

(A) Each lease shall provide for the payment of rental annually and in advance during the continuance of the lease at the rate of 50 cents per acre or fraction thereof. The rental for any year shall be credited against the first royalties as they accrue under the lease during the year for which rental was paid.

(b) If the annual rental is not timely remitted, the lessee shall be notified by the authorized officer that, unless payment is made within 30 days from receipt of such notification, action shall be taken to cancel the lease. (See § 3509.4–2)

(c) Rental remittances shall be made in accordance with § 3503.1 of this title.

§ 3541.2–2 Production royalty.

All leases shall be conditioned upon the payment to the United States of a royalty of 5 percent of the quantity or gross value of the output of sulphur at the point of shipment to market.

§ 3541.3 Duration of lease.

The lease shall be issued for an initial term of 20 years subject to a preferential right in the lessee to renew for a 10-year term at the end of the initial term and at the end of each 10-year period thereafter. (See Subpart 3547)

§ 3541.4 Bonds.

Prior to issuance of a lease, the applicant shall be required to furnish a bond in an amount to be determined by the authorized officer but not less than $5,000. (See Subpart 3504)

§ 3541.5 Special stipulations.

To insure adequate utilization and protection of the lands and their resources, leases shall contain such stipulations as may be prescribed by the authorized officer or the responsible official of the surface management agency if the surface is not under Bureau jurisdiction as described in § 3500.9 of this title. (See also Part 3580)

§ 3541.6 Other applicable regulations.

Leases issued under this part shall also be subject to the conditions set forth in other regulations, including, but not limited to, the following:

(a) Minimum annual production and minimum royalty are covered by § 3503.2–2 of this title.

(b) Suspension of operations and production and suspension of operations are covered by § 3503.3 of this title.

(c) Assignments and subleases are covered by Subpart 3506 of this title.

(d) Cancellation and relinquishment are covered by Subpart 3509 of this title.

(e) Exploration and mining are covered by Part 3590 of this title.

(f) Royalty management is covered by 30 CFR Chapter II, Subchapter A.

Subpart 3542—Sulphur Prospecting Permits

§ 3542.1 Areas subject to prospecting.

A prospecting permit may be issued for any area of available public domain lands in Louisiana and New Mexico and any acquired lands subject to leasing where prospecting or exploratory work is necessary to determine the existence or workability of sulphur deposits. If, within the term of the permit, the permittee makes a discovery of a valuable deposit of sulphur and the lands are determined to be chiefly valuable therefor, the permittee is entitled to a preference right lease.

§ 3542.2 Rights conferred by issuance of prospecting permits.

A permit shall grant the permittee the exclusive right to prospect on and explore the lands to determine the existence of a valuable deposit of sulphur in accordance with the terms and conditions of the permit. The permittee may remove only such material as is necessary to demonstrate the existence of a valuable mineral deposit.

§ 3542.3 Application for prospecting permit.

§ 3542.3–1 Filing requirements.

(a) An application shall be filed on a form approved by the Director or an exact reproduction of such form.

(b) An application shall be filed in triplicate with the proper BLM office.

(c) The application shall be accompanied by a nonrefundable filing fee of $25, and rental for the first year at the rate of 50 cents per acre, or fraction thereof made payable to the Department of the Interior—Bureau of Land Management. The rental payment shall be for the total acreage if known, and if not known, for the total acreage computed on the basis of 40 acres for each smallest subdivision. The rental payment shall not be less than $20.

§ 3542.3–2 Contents of applications.

Each application shall be typewritten, or printed plainly in ink; manually signed in ink and dated by the applicant or applicant's duly authorized attorney-in-fact, and shall contain the following:

(a) The name and address of the applicant;

(b) A statement of the applicant's qualifications and holdings. (See Subpart 3502); and

(c) A complete and accurate land description in compliance with subpart 3501 of this title. The application shall not include more than 640 acres in a reasonably compact form.

§ 3542.3–3 Exploration plans.

After initial review and clearance of the application, but prior to approval of the prospecting permit, the authorized officer shall require the applicant to file an exploration plan in triplicate, reasonably designed to determine the existence or workability of the deposit. The exploration plan shall, insofar as possible, include the following:

(a) The names, addresses and telephone numbers of persons responsible for operations under the plan and to whom notices and orders are to be delivered;

(b) A brief description, including maps, of geologic, water, vegetation, and other physical factors, and the distribution, abundance and habitat of fish and wildlife, particularly threatened and endangered species, that may be affected by the proposed operation within the area where exploration is to be conducted, and the present land use within and adjacent to the area;

(c) A narrative description showing:

(1) The method of exploration and types of equipment to be used;

(2) The measures to be taken to prevent or control fire, soil erosion, pollution of surface and ground water, pollution of air, damage to fish and wildlife or their habitat and other natural resources, and hazards to public health and safety, including specific actions necessary to meet all applicable laws and regulations;

(3) The method for plugging drill holes: and,

(4) The measures to be taken for surface reclamation, which shall include as appropriate:

(i) A reclamation schedule;

(ii) The method of grading, backfilling, soil stabilization, compacting and contouring;

(iii) The method of soil preparation and fertilizer application;

(iv) The type and mixture of shrubs, trees, grasses, forbs or other vegetation to be planted; and

(v) The method of planting, including approximate quantity and spacing;

(d) The estimated timetable for each phase of the work and for final completion of the program;

(e) Suitable topographic maps or aerial photographs showing existing bodies of surface water, topographic, cultural and drainage features, and the proposed location of drill holes, trenches and roads; and

(f) Such other data as may be required by the authorized officer.

§ 3542.3–4 Rejection of application.

Any application for a prospecting permit that does not comply with the requirements of this subpart shall be rejected. If the applicant files a new application for the same lands within 30 days of receipt of the rejection, the nonrefundable filing fee and rental payment submitted with the original application shall be applied to the new application, provided the serial number of the original application is shown on the new application. If a new application is not filed within the 30-day period, the advance rental shall be refunded. Priority for the permit shall be established as of the date the corrected application is filed.

§ 3542.4 Determination of priorities.

§ 3542.4–1 Regular filings.

Priority of application shall be determined in accordance with the time of filing.

§ 3542.4–2 Simultaneous filings.

Where more than 1 application is filed at the same time for the same lands priority shall be determined in accordance with Subpart 1821 of this title.

§ 3542.5 Amendment to application.

An amendment to an application for a prospecting permit to include additional lands, not to exceed 640 acres in total, will receive priority for such additional lands from the date of the filing of the amended application. The amended application shall be accompanied by the required advance rental. No additional filing fees are required.

§ 3542.6 Withdrawal of application.

An application for permit may be withdrawn in whole or in part before the permit is signed on behalf of the United States. Upon acceptance of the withdrawal, the advance rental submitted with the application shall be refunded.

§ 3542.7 Permit bonds.

Prior to issuance of the permit, the applicant shall furnish a bond in an amount determined by the authorized officer, but not less than $1,000. (See Subpart 3504)

§ 3542.8 Terms and conditions of permit.

§ 3542.8–1 Duration of permit.

Prospecting permits are issued for a term of 2 years, and may not be extended.

§ 3542.8–2 Dating of permits.

The permit shall be dated as of the first day of the month after its approval by the authorized officer unless the applicant requests in writing that it be dated the first day of the month in which it is approved.

§ 3542.8–3 Annual rental.

Rental at the rate of 50 cents per acre or fraction thereof shall be paid annually on or before the anniversary date of the permit. The rental payment shall not be less than $20.

§ 3542.8–4 Special stipulations.

To insure adequate protection of the lands and their resources, permits shall contain such stipulations as may be prescribed by the authorized officer or the responsible official of the surface management agency if the surface is not under Bureau jurisdiction as described in § 3500.9 of this title. (See Part 3580)

Subpart 3543—Preference Right Lease

§ 3543.1 Application for preference right lease.

§ 3543.1–1 Filing requirements.

(a) No specific application form is required.

(b) An application shall be filed in triplicate with the proper BLM office no later than 60 days after the prospecting permit expires.

(c) The application shall be accompanied by the first years' rental at the rate of 50 cents per acre or fraction thereof made payable to the Department of the Interior—Bureau of Land Management. (See Subpart 3503)

§ 3543.1–2 Contents of application.

(a) The application shall include a statement of qualifications and holdings in accordance with Subpart 3502 of this title.

(b) The application shall contain a complete and accurate description of the lands in accordance with § 3501.1 of this title. The lands shall have been included in the prospecting permit and shall not exceed 640 acres.

(c) The application shall be accompanied by a map(s) which shows utility systems; the location of any proposed development or mining operations and facilities incidental thereto, including the approximate locations and the extent of the areas to be used for pits, overburden and tailings; and the location of water sources or other resources which may be used in the proposed operations or facilities incidental thereto.

(d) The application shall include a narrative statement setting forth:

(1) The anticipated scope, method and schedule of development operations, including the types of equipment to be used;

(2) The method of mining anticipated, including the best available estimate of the mining sequence and production rate to be followed; and

(3) The relationship, if any, between the mining operations anticipated on the lands applied for and existing or planned mining operations, or facilities incidental thereto, on adjacent Federal or non-Federal lands.

§ 3543.2 Review of application.

§ 3543.2–1 Preference right determination.

The authorized officer shall determine whether the permittee has discovered a valuable deposit of sulphur and whether the lands are chiefly valuable therefor. The determination shall be based on data furnished to the authorized officer by the permittee as required by Part 3590 of this title during the life of the permit and supplemental data submitted at the request of the authorized officer to determine the extent and character of the deposit, the anticipated mining and processing methods, the anticipated location, kind and extent of necessary surface disturbance and measures to be taken to reclaim that disturbance.

§ 3543.2–2 Surface management agency.

The surface management agency, if other than the Bureau, shall review the application for preference right lease in accordance with § 3500.9 and Part 3580 of this title, as applicable. The appropriate surface management agency may request supplemental data regarding surface disturbance and reclamation if not otherwise submitted under § 3543.1–2 of this title.

§ 3543.3 Issuance of lease.

The authorized officer shall issue a lease to the holder of a prospecting permit who shows that, within the term of the permit, a valuable deposit of sulphur was discovered and that the lands are chiefly valuable therefor.

§ 3543.4 Rejection of application.

(a) The authorized officer shall reject an application for a preference right lease if the authorized officer determines:

(1) That the applicant did not discover a valuable deposit of sulphur and/or the lands are not chiefly valuable therefor;

(2) The applicant did not submit in a timely manner requested information; or

(3) The applicant did not otherwise comply with the requirements of this subpart.

(b) On alleging in an application facts the applicant believes to be sufficient to show entitlement to a lease, a permittee shall have the right to a hearing before an Administrative Law Judge in the Office of Hearings and Appeals.

(c) At the hearing, the permittee shall have both the burden of going forward and the burden of proof by a preponderance of the evidence that a valuable deposit of sulphur was discovered and that the lands are chiefly valuable therefor.

Subpart 3544—Exploration License

§ 3544.0–3 Authority.

Section 302(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(b)).

§ 3544.1 Exploration license.

Private parties, jointly and severally, may apply for exploration licenses to

explore known, unleased sulphur deposits to obtain geologic, environmental, and other pertinent data concerning such deposits.

§ 3544.2 Regulations applicable.

Except as otherwise specifically provided in this subpart, the regulations pertaining to land use authorizations under Part 2920 of this title shall govern the issuance of exploration licenses.

§ 3544.3 Exploration plan.

All applications for exploration licenses shall include an exploration plan which is in full compliance with § 3542.3–3 of this title. The exploration plan, as approved, shall be attached to, and made a part of, the license.

§ 3544.4 Notice of exploration.

Applicants for exploration licenses shall be required to publish a Notice of Exploration inviting other parties to participate in exploration under the license on a pro rata cost sharing basis.

§ 3544.4–1 Contents of notice.

The Notice of Exploration prepared by the authorized officer and furnished to the applicant shall contain:

(a) The name and address of the applicant;

(b) A description of the lands;

(c) The address of the Bureau office where the exploration plan shall be available for inspection; and

(d) An invitation to the public to participate in the exploration under the license.

§ 3544.4–2 Publication and posting of notice.

(a) The applicant shall publish the Notice of Exploration once a week for 3 consecutive weeks in at least 1 newspaper of general circulation in the area where the lands are located.

(b) The authorized officer shall post the notice in the proper BLM office for 30 days.

§ 3544.4–3 Notice of participation.

Any person who seeks to participate in the exploration program shall notify the authorized officer and the applicant in writing within 30 days after posting.

§ 3544.4–4 Decision on plan and participation.

The authorized officer may issue the license naming the participants and acreage covered, establishing core hole spacing and resolving any other issue necessary to minimize surface disturbance and inconsistencies between exploration plans.

§ 3544.5 Submission of data.

The licensee shall furnish the authorized officer copies of all data obtained during exploration. All data shall be considered confidential and not made public until the areas involved have been leased or until the authorized officer determines that the data are not exempt from disclosure under the Freedom of Information Act, whichever occurs first.

§ 3544.6 Modification of exploration plan.

Upon application therefor, a modification of the exploration plan may be approved by the authorized officer.

Subpart 3545—Competitive Leasing

§ 3545.1 Lands subject only to competitive leasing.

Lands available for leasing where prospecting or exploratory work is unnecessary to determine the existence or workability of a valuable sulphur deposit may be leased only through competitive sale to the qualified bidder who offers the highest acceptable bonus bid, except as provided in Subparts 3508 and 3546 of this title. A competitive lease sale may be initiated either through an expression of interest or on Bureau motion.

§ 3545.2 Surface management agency.

Prior to competitive lease offering, the surface management agency shall be consulted in accordance with § 3500.9 and Part 3580 of this title, as applicable.

§ 3545.3 Sale procedures.

§ 3545.3–1 Publication and posting of notice.

Prior to a lease offering, the authorized officer shall publish a notice of lease sale for at least 3 consecutive weeks in a newspaper of general circulation in the area in which the lands are situated. The notice of lease sale shall be posted for 30 days in the public room of the proper BLM office.

§ 3545.3–2 Contents of notice.

The lease sale notice shall include:

(a) The time and place of sale;

(b) The bidding method;

(c) A description of the tract being offered;

(d) A description of the sulphur deposit being offered;

(e) The minimum bid to be considered; and

(f) Information on where a detailed statement of the terms and conditions of the lease sale and of the proposed lease may be obtained.

§ 3545.3–3 Detailed statement.

The authorized officer shall also prepare and make available a detailed statement of sale containing:

(a) The lease form approved by the Director with terms and conditions, including the rental, royalty rates, bond amount and special stipulations;

(b) An explanation of the manner in which bids may be submitted;

(c) A notice that each bid shall be accompanied by the bidder's qualifications (See Subpart 3502) and one-fifth of the amount bid;

(d) A notice that the successful bidder(s) shall be required, prior to lease issuance, to pay their proportionate share of the total cost of the publication of the sale notice.

(e) A warning to all bidders concerning 18 U.S.C. 1860 which prohibits unlawful combination or intimidation of bidders;

(f) A statement that the Secretary reserves the right to reject any and all bids, and the right to offer the lease to the next qualified bidder if the successful bidder fails to obtain the lease for any reason; and

(g) Any other information deemed appropriate.

§ 3545.4 Bid opening.

All bids shall be opened and announced at the time and date specified in the notice of lease sale, but no bids shall be accepted or rejected at that time. Bids received after the time specified in the notice of sale shall not be considered. A bid may be withdrawn or modified prior to the time specified in the notice of sale.

§ 3545.5 Award of lease.

After the authorized officer has determined that the highest qualified bid meets or exceeds fair market value, copies of the lease on the form attached to the detailed statement shall be sent to the successful bidder who shall, within a specified time, sign and return the lease form, pay the balance of the bonus bid, pay the first year's rental, pay the publication costs and furnish the required lease bond.

§ 3545.6 Rejection of bid.

(a) If the high bid is rejected for failure of the successful bidder to sign the lease form and pay the balance of the bonus bid, or otherwise comply with the regulations of this subpart, the one-fifth bonus accompanying the bid shall be forfeited to the United States.

(b) If the lease cannot be awarded for reasons determined by the authorized officer to be beyond the control of the successful bidder, the authorized officer shall reject the bid and the deposit submitted with the bid shall be returned.

Subpart 3546—Noncompetitive Leasing—Fringe Acreage Leases and Lease Modifications

§ 3546.1 Lands subject to lease.

Lands available for leasing which are known to contain a sulphur deposit that extends from an adjoining Federal lease or from privately held lands may be leased noncompetitively either by issuance of a new lease for these lands or by adding such lands to an existing Federal lease.

§ 3546.2 Special requirements.

Before a fringe acreage lease may be issued or a lease modified under this subpart, the authorized officer shall determine the following:

(a) The lands are contiguous to an existing Federal lease or to non-Federal lands owned or controlled by the applicant;

(b)(1) The new lease for the fringe acreage is not in excess of 640 acres; or

(2) The acreage of the modified lease, including additional lands, is not in excess of 640 acres;

(c) The mineral deposit is not in an area of competitive interest to holders of other active mining units in the area;

(d) The lands applied for lack sufficient reserves of the mineral resources to warrant independent development; and

(e) That leasing the lands will result in conservation of natural resources and will provide for economical and efficient recovery as part of a mining unit.

§ 3546.3 Filing requirements.

(a) An application shall be filed in triplicate with the proper BLM office. No specific application form is required.

(b) The application shall be accompanied by a nonrefundable filing fee of $25, and an advance rental payment of 50 cents per acre or fraction thereof for a new lease or at the rental rate set forth in the base lease for a modification made payable to the Department of the Interior—Bureau of Land Management.

(c) The application shall:

(1) Make reference to the serial number of the lease if the lands adjoin an existing Federal lease;

(2) Contain a complete and accurate description of the lands desired;

(3) Include a showing that a sulphur deposit extends from the applicant's adjoining lease or from private lands owned or controlled by the applicant; and

(4) Include proof of ownership or control of the mineral deposit in the adjoining lands if not under a Federal lease.

§ 3546.4 Surface management agency.

The surface management agency, if other than the Bureau, shall be consulted in accordance with § 3500.9 and Part 3580 of this title, as applicable.

§ 3546.5 Payment of bonus.

(a) Prior to the issuance of a new lease or a modification of an existing lease, the applicant shall be required to pay a bonus in an amount determined by the authorized officer based on an appraisal. In no event shall such payment be less than $1 per acre or fraction thereof.

§ 3546.6 Terms and conditions of lease.

New leases shall be issued subject to the terms and conditions set out under Subpart 3541 of this title. The terms and conditions of a modified lease shall be the same as in the existing lease.

Subpart 3547—Lease Renewals

§ 3547.1 Applications.

An application for lease renewal shall be filed at least 90 days prior to the expiration of the lease term. No specific form is required. All applications shall be filed in triplicate in the proper BLM office together with a nonrefundable $25 filing fee and an advance rental payment of 50 cents per acre or fraction thereof.

§ 3547.2 Bonds.

Prior to the issuance of a renewal lease, the lessee may be required to furnish a new bond as prescribed by Subpart 3504 of this title.

§ 3547.3 Failure to apply for renewal.

If the holder of a lease fails to apply for renewal as provided in § 3547.1 of this title, the lease shall expire on the last day of the current lease term.

§ 3547.4 Lease terms and conditions.

Each renewal lease shall be issued on a form approved by the Director and shall be dated effective the first day of the month following its approval by the authorized officer or the first day of the month following the expiration of the current lease, whichever is later, and shall otherwise be subject to the terms and conditions set forth under Subpart 3541 of this title.

PART 3550—"GILSONITE" (INCLUDING ALL VEIN-TYPE SOLID HYDROCARBONS)

Subpart 3350—"Gilsonite" Leasing—General

Sec.

Subpart 3551—Lease Terms and Conditions

Subpart 3552—"Gilsonite" Prospecting Permits

Subpart 3553—Preference Right Lease

Subpart 3554—Exploration License

Subpart 3555—Competitive Leasing

Authority: The Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 et seq.), the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351–359); the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); the Independent Offices Appropriations Act (31 U.S.C. 9701).

Subpart 3550—"Gilsonite" Leasing—General

§ 3550.0–3 Authority.

(a) Authority for leasing "Gilsonite" (including all vein-type solid hydrocarbons) is shown under § 3500.0–3(a) of this title.

(b) In 1981, Congress amended the Act by including tar sand within the meaning of oil and retaining separate leasing authority for vein-type solid hydrocarbons such as "Gilsonite". Fluid and gaseous hydrocarbons are leased as oil and gas, while bedded deposits are leased either as coal, oil shale or as oil (tar sand). The leasing authority for vein-type solid hydrocarbons, hereinafter referred to as "Gilsonite", is implemented by the regulations in this part.

§ 3550.1 Leasing procedures.

The regulations in this part provide the procedures for qualified applicants to obtain rights to develop deposits of "Gilsonite", found on lands available for leasing. The regulations provide for this in the following manner:

(a) "Prospecting permits" allow the permittee to explore for deposits of "Gilsonite".

(b) "Preference right leases" are issued to holders of prospecting permits who demonstrate the discovery of a valuable deposit of "Gilsonite" under the permit.

(c) "Exploration licenses" allow the licensee to explore known deposits of "Gilsonite" to obtain data but do not grant the licensee any preference or other right to a lease.

(d) "Competitive leases" are issued for known deposits of "Gilsonite" and allow the lessee to mine the deposit.

(e) "Fringe acreage leases" are issued noncompetitively for known deposits of "Gilsonite" adjacent to existing mines on non-Federal lands which can only be mined as part of the existing mining operation.

(f) "Lease modifications" are used to add known deposits of "Gilsonite" to an adjacent Federal lease which contains an existing mine provided the deposits can only be mined as part of the existing mining operation.

§ 3550.2 Other applicable regulations.

§ 3550.2–1 General leasing regulations.

Part 3500 of this title contains the general regulations governing the leasing of solid minerals other than coal and oil shale and supplements, as applicable, the regulations in this part. The regulations in Part 3500 of this title include, but are not limited to, such matters as multiple mineral development, environmental review, other agency consent and consultation, and lands not available for leasing. Cross-reference to specific regulations in Part 3500 of this title is provided in this part as an aid to the reader and is not intended to limit the applicability of Part 3500 of this title only to the cross-referenced regulations.

§ 3550.2–2 Special areas.

Part 3580 of this title contains regulations specific to certain national recreation areas and to certain lands patented to the State of California, and, as applicable, supplements this part. Except where specific regulations in Part 3580 of this title are applicable, the regulations in this part and Part 3500 of this title shall govern the leasing of "Gilsonite" in those national recreation areas and those patented lands.

§ 3550.3 Allowable acreage holdings.

No person, company, association or corporation may hold at any particular time, directly or indirectly, more than 7,680 acres under prospecting permit and lease in any one state.

Subpart 3551—Lease Terms and Conditions

§ 3551.1 Applicability of lease terms and conditions.

The lease terms and conditions set out under this section apply to all leases issued or readjusted under Part 3550 of this title. Each lease shall be issued on a form approved by the Director and shall be dated as of the first day of the month after its approval by the authorized officer unless the applicant requests in writing that it be dated the first day of the month in which it is approved. Each lease shall authorize in accordance with its terms and conditions the mining of "Gilsonite".

§ 3551.2 Rental and royalty.

§ 3551.2–1 Rental.

(a) Each lease shall provide for the payment of rental annually and in advance at the rate of 50 cents per acre or fraction thereof. The annual rental payment shall not be less than $20. The rental paid for any year shall be credited against the first royalties as they accrue under the lease during the year for which rental was paid.

(b) If the annual rental is not timely remitted, the lessee shall be notified by the authorized officer that, unless payment is made within 30 days from receipt of such notification, action shall be taken to cancel the lease (See § 3509.4–2).

(c) Remittances of rental shall be made in accordance with § 3503.1 of this title.

§ 3551.2–2 Production royalty.

All leases shall be conditioned upon the payment to the United States of such royalties as may be specified in the lease, which shall be fixed by the authorized officer in advance as provided under § 3503.2–1 of this title.

§ 3551.3 Duration of lease.

The lease shall be issued for 20 years and for so long thereafter as "Gilsonite" is produced in paying quantities subject to the Secretary's right of reasonable readjustment of lease terms and conditions at the end of each 20-year period.

§ 3551.4 Readjustment.

(a) The terms and conditions of a lease are subject to reasonable readjustment at the end of each 20-year period following the effective date of the lease unless otherwise provided by law at the time of expiration of such period. Prior to the expiration of each 20-year period, the authorized officer shall transmit proposed readjusted terms and conditions to the lessee. If the authorized officer fails to transmit the proposed readjusted terms and conditions prior to the expiration of the 20-year period, the right to readjust the lease shall have been waived until the expiration of the next 20-year term.

(b) The lessee is deemed to have agreed to the readjusted terms and conditions unless, within 60 days after receiving them, the lessee files an objection to the readjusted terms or relinquishes the lease. The authorized officer shall issue a decision responding to the objections, and if the response is adverse to the lessee, the decision shall grant the right of appeal under Part 4 of this title. The effective date of the readjustment shall not be affected by

the filing of objections or by the filing of a notice of appeal.

(c) Except as provided in this paragraph, the readjusted lease terms and conditions shall be effective pending a response to the objections or the outcome of the appeal provided for in paragraph (b) of this section unless the authorized officer provides otherwise. Upon the filing of an objection or appeal, the obligation to pay any increased readjusted royalties, minimum royalties and rentals shall be suspended pending the outcome of the objection or appeal. However, any such increased royalties, minimum royalties and rentals shall accrue during the pendency of the objection or appeal, commencing with the effective date of the readjustment. If the increased royalties, minimum royalties and rentals are sustained by the decision on the objection or on appeal, the accrued balance, plus interest at the rate specified for late payment by the Service shall be payable (See Part 3590). Pending the decision on the objection or the appeal, the royalties, minimum royalties and rentals shall be payable as specified by the lease terms and conditions in effect prior to the end of the 20-year period.

§ 3551.5 Bonds.

Prior to issuance of a lease, the applicant shall furnish a bond in an amount to be determined by the authorized officer, but not less than $5,000 (See Subpart 3504).

§ 3551.6 Special stipulations.

To insure adequate utilization and protection of the lands and their resources, leases shall contain such stipulations as may be prescribed by the authorized officer or the responsible official of the surface management agency if the surface is not under Bureau jurisdiction as described in § 3500.9 of this title (See also Part 3580).

§ 3551.7 Other applicable regulations.

Leases issued under this part shall also be subject to conditions set forth in other regulations, including, but not limited to, the following:

(a) Minimum annual production and minimum royalty are covered by § 3503.2–2 of this title;

(b) Suspension of operations and production and suspension of operations are covered by § 3503.3 of this title;

(c) Assignments and subleases are covered by Subpart 3506 of this title;

(d) Cancellation and relinquishment are covered by Subpart 3509 of this title;

(e) Exploration and mining are covered by Part 3590 of this title; and

(f) Royalty management is covered by 30 CFR Chapter II, Subchapter A.

Subpart 3552—"Gilsonite" Prospecting Permits

§ 3552.1 Areas subject to prospecting.

A prospecting permit may be issued for any area of available public domain or acquired lands subject to leasing where prospecting or exploratory work is necessary to determine the existence or workability of "Gilsonite". Discovery of a valuable deposit of "Gilsonite" within the terms of the permit entitles the permittee to a preference right lease.

§ 3552.2 Rights conferred by issuance of prospecting permits.

A permit shall grant the permittee the exclusive right to prospect on and explore the lands to determine the existence of a valuable deposit of "Gilsonite" in accordance with the terms and conditions of the permit. The permittee may remove only such material as is necessary to demonstrate the existence of a valuable mineral deposit.

§ 3552.3 Application for prospecting permit.

§ 3552.3–1 Filing requirements.

(a) An application shall be filed on a form approved by the Director or an exact reproduction of such form.

(b) An application shall be filed in triplicate with the proper BLM office.

(c) The application shall be accompanied by a nonrefundable filing fee of $25, and rental for the first year at the rate of 50 cents per acre, or fraction thereof made payable to the Department of the Interior-Bureau of Land Management. The rental payment shall be for the total acreage if known, and if not known, for the total acreage computed on the basis of 40 acres for each smallest subdivision. The rental payment shall not be less than $20.

§ 3552.3–2 Contents of applications.

Each application shall be type-written, or printed plainly in ink; manually signed in ink and dated by the applicant or applicant's duly authorized attorney-in-fact, and shall contain the following:

(a) The name and address of the applicant;

(b) A statement of the applicant's qualifications and holdings (See subpart 3502); and

(c) A complete and accurate land description in compliance with subpart 3501 of this title. The application shall not include more than 5120 acres in a reasonably compact form.

§ 3552.3–3 Exploration plans.

After initial review and clearance of the application, but prior to issuance of the prospecting permit, the authorized officer shall require the applicant to file in triplicate, an exploration plan reasonably designed to determine the existence or workability of the deposit. The exploration plan shall, insofar as possible, include the following:

(a) The names, addresses and telephone numbers of persons responsible for operations under the plan and to whom notices and orders are to be delivered:

(b) A brief description, including maps, of geologic, water, vegetation and other physical factors, and the distribution, abundance and habitat of fish and wildlife, particularly threatened and endangered species, that may be affected by the proposed operation within the area where exploration is to be conducted, and the present land use within and adjacent to the area:

(c) A narrative description showing:

(1) The method of exploration and types of equipment to be used:

(2) The measures to be taken to prevent or control fire, soil erosion, pollution of surface and ground water, pollution of air, damage to fish and wildlife or their habitat and other natural resources and hazards to public health and safety, including specific actions necessary to meet all applicable laws and regulations:

(3) The method for plugging drill holes; and

(4) The measures to be taken for surface reclamation, which shall include as appropriate:

(i) A reclamation schedule;

(ii) The method of grading, backfilling, soil stabilization, compacting and contouring;

(iii) The method of soil preparation and fertilizer application;

(iv) The type and mixture of shrubs, trees, grasses, forbs or other vegetation to be planted; and

(v) The method of planting, including approximate quantity and spacing.

(d) The estimated timetable for each phase of the work and for final completion of the program;

(e) Suitable topographic maps or aerial photographs showing existing bodies of surface water, topographic, cultural and drainage features, and the proposed location of drill holes, trenches and roads; and

(f) Such other data as may be required by the authorized officer.

§ 3552.3–4 Rejection of application.

Any application for a prospecting permit which does not comply with the

requirements of this subpart shall be rejected. If the applicant files a new application for the same lands within 30 days of receipt of the rejection, the nonrefundable filing fee and rental payment submitted with the original application shall be applied to the new application, provided the serial number of the original application is shown on the new application. If a new application is not filed within the 30-day period, the advance rental shall be refunded. Priority for the permit shall be established as of the date the corrected application is filed.

§ 3552.4 Determination of priorities.

§ 3552.4-1 Regular filings.

Priority of application shall be determined in accordance with the time of filing.

§ 3552.4-2 Simultaneous filings.

Where more than 1 application is filed at the same time for the same lands, priority shall be determined in accordance with Subpart 1821 of this title.

§ 3552.5 Amendment to application.

An amendment to an application for a prospecting permit to include additional lands shall receive priority for such additional lands from the date of the filing of the amended application. The amended application shall be accompanied by the required advance rental. No additional filing fees are required.

§ 3552.6 Withdrawal of application.

An application for permit may be withdrawn in whole or in part before the permit is signed on behalf of the United States. Upon acceptance of the withdrawal, the advance rental submitted with the application shall be refunded.

§ 3552.7 Permit bonds.

Prior to issuance of the permit, the applicant shall furnish a bond in an amount determined by the authorized officer, but not less than $1,000 (See Subpart 3504).

§ 3552.8 Terms and conditions of permit.

§ 3552.8-1 Duration of permit.

Prospecting permits are issued for an initial terms of 2 years, and may be extended for a period not to exceed 2 years as provided in § 3552.9 of this title. No exploration activities other than those approved as part of an existing exploration plan shall be conducted following expiration of the initial term unless and until the permit has been extended by the authorized officer.

§ 3552.8-2 Dating of permits.

The permit shall be dated as of the first day of the month after its approval by the authorized officer unless the applicant requests in writing that it be dated the first day of the month in which it is approved.

§ 3552.8-3 Annual rental.

Rental at the rate of 50 cents per acre or fraction thereof shall be paid annually on or before the anniversary date of the permit. The rental payment shall not be less than $20.

§ 3552.8-4 Special stipulations.

To insure adequate protection of the lands and their resources, permits shall contain such stipulations as may be prescribed by the authorized officer or the responsible official of the surface management agency if the surface is not under Bureau jurisdiction as described in § 3500.9 of this title (See also Part 3580).

§ 3552.9 Prospecting permit extensions.

§ 3552.9-1 Conditions for, and duration of, extensions.

A permit may be extended for a maximum of 2 years at the discretion of the authorized officer provided that:

(a) The permittee has been unable, with reasonable diligence, to determine the existence or workability of valuable deposits covered by the permit and desires to continue the prospecting or exploration program. Reasonable diligence means that, in the opinion of the authorized officer, the permittee has drilled a sufficient number of core holes on the permit area or performed other comparable prospecting to explore the permit area within the time allowed; or

(b) The permittee's failure to perform diligent prospecting activities was due to conditions beyond his/her control.

§ 3552.9-2 Application for extension.

(a) Filing requirements.

(1) No specific application form is required.

(2) Application for extension shall be filed in the proper BLM office at least 90 days prior to expiration of the permit.

(3) Application for extension shall be accompanied by a nonrefundable filing fee of $25, and advance rental of 50 cents per acre, or fraction thereof made payable to the Department of the Interior—Bureau of Land Management. The rental payment shall not be less than $20.

(b) The application for extension shall:

(1) Demonstrate that the permittee has met the conditions for extension set out in § 3552.9-1 of this title;

(2) Demonstrate the permittee's diligent prospecting activities; and

(3) Show how much additional time is necessary to complete prospecting work.

§ 3552.9-3 Effective date.

The permit extension shall become effective as of the date of approval.

Subpart 3553—Preference Right Lease

§ 3553.1 Application for preference right lease.

§ 3553.1-1 Filing requirements.

(a) No specific application form is required.

(b) An application shall be filed in triplicate with the proper BLM office no later than 60 days after the prospecting permit expires.

(c) The application shall be accompanied by the first year's rental at the rate of 50 cents per acre or fraction thereof made payable to the Department of the Interior—Bureau of Land Management. The rental payment shall not be less than $20 (see Subpart 3503).

§ 3553.1-2 Contents of application.

(a) The application shall contain a statement of qualifications and holdings in compliance with Subpart 3502 of this title.

(b) The application shall contain a complete and accurate description of the lands in accordance with § 3501.1 of this title. The lands shall have been included in the prospecting permit and shall not exceed 5,120 acres.

(c) The application shall be accompanied by a map(s) which shows utility systems, the location of any proposed development or mining operations and facilities incidental thereto, including the approximate locations and the extent of the areas to be used for pits, overburden and tailings, and the location of water sources or other resources which may be used in the proposed operations or facilities incidential thereto.

(d) The application shall include a narrative statement setting forth:

(1) The anticipated scope, method and schedule of development operations, including the types of equipment to be used;

(2) The method of mining anticipated, including the best available estimate of the mining sequence and production rate to be followed; and

(3) The relationship, if any, between the mining operations anticipated on the lands applied for and existing or planned mining operations, or facilities incidental thereto, on adjacent Federal or non-Federal lands.

§ 3553.2 Review of application.

§ 3553.2-1 Preference right determination.

The authorized officer shall determine whether the permittee has discovered a valuable deposit of "Gilsonite". The determination shall be based on the data furnished to the authorized officer by the permittee as required by Part 3590 of this title during the life of the permit and supplemental data submitted at the request of the authorized officer to determine the extent and character of the deposit, the anticipated mining and processing methods, the anticipated location, kind and extent of necessary surface disturbance and measures to be taken to reclaim that disturbance.

§ 3553.2-2 Surface management agency.

The surface management agency, if other than the Bureau, shall review the application for preference right lease in accordance with § 3500.9 and Part 3580 of this title, as applicable. The appropriate surface management agency may request supplemental data regarding surface disturbance and reclamation if not otherwise submitted under § 3553.1-2 of this title.

§ 3553.3 Issuance of lease.

The authorized officer shall issue a lease to the holder of a prospecting permit who shows that, within the term of the permit, a valuable deposit of "Gilsonite" was discovered.

§ 3553.4 Rejection of application.

(a) The authorized officer shall reject an application for a preference right lease if the authorized officer determines:

(1) That the applicant did not discover a valuable deposit of "Gilsonite";

(2) The applicant did not submit in a timely manner requested information; or

(3) The applicant did not otherwise comply with the requirements of this subpart.

(b) On alleging in an application facts sufficient to show entitlement to a lease, a permittee shall have a right to a hearing before an Administrative Law Judge in the Office of Hearings and Appeals.

(c) At the hearing, the permittee shall have both the burden of going forward and the burden of proof by a preponderance of the evidence that a valuable deposit of "Gilsonite" was discovered.

Subpart 3554—Exploration License

§ 3554.0-3 Authority.

Section 302(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(b)).

§ 3554.1 Exploration License.

Private parties, jointly or severally, may apply for exploration licenses to explore known, unleased "Gilsonite" deposits to obtain geologic, environmental and other pertinent data concerning such deposits.

§ 3554.2 Regulations applicable.

Except as otherwise specifically provided in this subpart, the regulations pertaining to land use authorizations under Part 2920 of this title shall govern the issuance of exploration licenses.

§ 3554.3 Exploration plan.

All applications for exploration licenses shall include an exploration plan which is in full compliance with § 3552.3-3 of this title. The exploration plan, as approved, shall be attached to, and made a part of, the license.

§ 3554.4 Notice of exploration.

Applicants for exploration licenses shall be required to publish a Notice of Exploration inviting other parties to participate in exploration under the license on a pro rata cost sharing basis.

§ 3554.4-1 Contents of Notice.

The Notice of Exploration prepared by the authorized officer and furnished to the applicant shall contain:

(a) The name and address of the applicant;

(b) A description of the lands;

(c) The address of the Bureau office where the exploration plan shall be available for inspection; and

(d) An invitation to the public to participate in the exploration under the license.

§ 3554.4-2 Publication and posting of notice.

(a) The applicant shall publish the Notice of Exploration once a week for 3 consecutive weeks in at least 1 newspaper of general circulation in the area where the lands are located.

(b) The authorized officer shall post the notice in the proper BLM office for 30 days.

§ 3554.4-3 Notice of participation.

Any person who seeks to participate in the exploration program shall notify the authorized officer and the applicant in writing within 30 days after posting.

§ 3554.4-4 Decision on plan and participation.

The authorized officer may issue the license naming participants and acreage covered, establishing core hole spacing and resolving any other issue necessary to minimize surface disturbance and inconsistencies between proposed exploration plans.

§ 3554.5 Submission of data.

The licensee shall furnish the authorized officer copies of all data obtained during exploration. All data shall be considered confidential and not made public until the areas involved have been leased or until the authorized officer determines that the data are not exempt from disclosure under the Freedom of Information Act, whichever occurs first.

§ 3554.6 Modification of Exploration Plan.

Upon application by the participants, a modification of the exploration plan may be approved by the authorized officer.

Subpart 3555—Competitive Leasing

§ 3555.1 Lands subject only to competitive leasing.

Lands available for leasing that have surface and/or subsurface evidence to reasonably assure the existence of a valuable deposit of "Gilsonite" may be leased only through competitive sale to the qualified bidder who offers the highest acceptable bonus bid, except as provided in Subparts 3508 and 3556 of this title. A competitive lease sale may be initiated either through an expression of interest or on Bureau motion.

§ 3555.2 Surface management agency.

Prior to competitive lease offering, the surface management agency shall be consulted in accordance with § 3500.9 and Part 3580 of this title, as applicable.

§ 3555.3 Sale procedures.

§ 3555.3-1 Publication and posting of notice.

Prior to a lease offering, the authorized officer shall publish a notice of lease sale for at least 3 consecutive weeks in a newspaper of general circulation in the area in which the lands are situated. The notice of lease sale shall be posted for 30 days in the public room of the proper BLM office.

§ 3555.3-2 Contents of notice.

The lease sale notice shall include:

(a) The time and place of sale;

(b) The bidding method;

(c) A description of the tract being offered;

(d) A description of the "Gilsonite" deposit being offered;

(e) The minimum bid to be considered; and

(f) Information on where a detailed statement of the terms and conditions of the lease sale and of the proposed lease may be obtained.

§ 3555.3-3 Detailed statement.

The authorized officer shall also prepare and make available a detailed statement of sale containing:

(a) The proposed lease on a form approved by the Director with terms and conditions including the rental, royalty rates, bond amount, and special stipulations;

(b) An explanation of the manner in which bids may be submitted;

(c) A notice that each bid shall be accompanied by the bidder's qualifications (See Part 3502) and one-fifth of the amount bid;

(d) A notice that the successful bidder(s) shall be required, prior to lease issuance, to pay its proportionate share of the total cost of the publication of the sale notice;

(e) A warning to all bidders concerning 18 U.S.C. 1860 which prohibits unlawful combination or intimidation of bidders;

(f) A statement that the Secretary reserves the right to reject any and all bids, and the right to offer the lease to the next qualified bidder if the sucessful bidder fails to obtain the lease for any reason; and,

(g) Any other information deemed appropriate.

§ 3555.4 Bid opening.

All bids shall be opened and announced at the time and date specified in the notice of lease sale, but no bids shall be accepted or rejected at that time. Bids received after the time specified in the notice of sale shall not be considered. A bid may be withdrawn or modified prior to the time specified in the notice of sale.

§ 3555.5 Award of lease.

After the authorized officer has determined that the highest qualified bid meets or exceeds fair market value, copies of the proposed lease attached to the detailed statement shall be sent to the successful bidder who shall, within a specified time, sign and return the lease form, pay the balance of the bonus bid, pay the first year's rental, pay the publication costs and furnish the required lease bond.

§ 3555.6 Rejection of bid.

(a) If the high bid is rejected for failure of the successful bidder to sign the lease form and pay the balance of the bonus bid, or otherwise comply with the regulations of this subpart, the one-fifth bonus accompanying the bid shall be forfeited to the United States.

(b) If the lease cannot be awarded for reasons determined by the authorized officer to be beyond the control of the successful bidder, the authorized officer shall reject the bid and the deposit submitted with the bid shall be returned.

Subpart 3556—Noncompetitive Leasing—Fringe Acreage Leases and Lease Modifications

§ 3556.1 Lands subject to lease.

Lands available for leasing which are known to contain a "Gilsonite" deposit that extends from an adjoining Federal lease or from privately held lands may be leased noncompetitively either by an issuance of a new lease for these lands or by adding such lands to an existing Federal lease.

§ 3556.2 Special requirements.

Before a fringe acreage lease may be issued or a lease modified under this subpart, the authorized officer shall determine the following:

(a) The lands are contiguous to an existing Federal lease or to non-Federal lands owned or controlled by the applicant;

(b)(1) The new lease for the fringe acreage is not in excess of 5120 acres; or

(2) The acreage of the modified lease, including additional lands, is not in excess of 5120 acres;

(c) The mineral deposit is not in an area of competitive interest to holders of other active mining units in the area;

(d) The lands applied for lack sufficient reserves of the mineral resource to warrant independent development; and

(e) Leasing the lands will result in conservation of natural resources and will provide for economical and efficient recovery as part of a mining unit.

§ 3556.3 Filing requirements.

(a) An application shall be filed in triplicate with the proper BLM offfice. No specific application form is required.

(b) The application shall be accompanied by a nonrefundable filing fee of $25, and an advance rental payment of 25 cents per acre or fraction thereof for a new lease or at the rental rate set forth in the base lease for a modification made payable to the Department of the Interior—Bureau of Land Management. The rental payment shall not be less than $20.

(c) The application shall:

(1) Make reference to the serial number of the lease if the lands adjoin an existing Federal lease;

(2) Contain a complete and accurate description of the lands desired;

(3) Include a showing that a "Gilsonite" deposit extends from the applicant's adjoining lease or from private lands owned or controlled by the applicant; and

(4) Include proof of ownership or control of the mineral deposit in the adjoining lands if not under a Federal lease.

§ 3556.4 Surface management agency.

The surface management agency, if other than the Bureau, shall be consulted in accordance with § 3500.9 and Part 3580 of this title, as applicable.

§ 3556.5 Payment of bonus.

Prior to the issuance of a new lease or a modification of an existing lease, the applicant shall be required to pay a bonus in an amount determined by the authorized officer based on an appraisal. In no event, shall such payment be less than $1 per acre or fraction thereof.

§ 3556.6 Terms and conditions of lease.

New leases shall be issued subject to the terms and conditions set out under Subpart 3551 of this title. The terms and conditions of modified leases shall be the same as the existing leases.

PART 3560—HARDROCK MINERALS

Subpart 3560—Hardrock Minerals Leasing—General

Sec.

Subpart 3561—Lease Terms and Conditions

Subpart 3562—Hardrock Minerals Prospecting Permits

Authority: The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); Reorganization Plan No. 3 of 1946 (5 U.S.C. Appendix); Section 3 of the Act of September 1, 1949 (30 U.S.C. 192c); the Act of June 30, 1950 (16 U.S.C. 508(b)); the Act of March 3, 1933, as amended (47 Stat. 1487); Section 10 of the Act of August 4, 1939 (43 U.S.C. 387); the Act of October 8, 1964 (16 U.S.C. 460n et seq.); the Act of November 8, 1965 (16 U.S.C. 460q et seq.); the Act of October 2, 1968 (16 U.S.C. 90c et seq.); the Act of October 27, 1972 (16 U.S.C. 460dd et seq.); the Alaska National Interest Lands Conservation Act (16 U.S.C. 460mm–2—460mm–4); the Independent Offices Appropriations Act (31 U.S.C. 9701).

Subpart 3560—Hardrock Minerals Leasing—General

§ 3560.0–3 Authority.

Authority for leasing hardrock minerals are shown under § 3500.0–3 (b) and (c) of this title.

§ 3560.1 Leasing procedures.

The regulations in this part provide the procedures for qualified applicants to obtain rights to develop deposits of hardrock minerals found on certain lands available for leasing. The regulations provide for this in the following manner:

(a) "Prospecting permits" allow the permittee to explore for deposits of hardrock minerals.

(b) "Preference right leases" are issued to holders of prospecting permits who demonstrate the discovery of a valuable deposit of a hardrock mineral(s) under the permit.

(c) "Competitive leases" are issued for known deposits of hardrock minerals and allow the lessee to mine the deposit.

(d) "Fringe acreage leases" are issued noncompetitively for known deposits of hardrock minerals adjacent to existing mines on non-Federal lands which can only be mined as part of the existing mining operation.

(e) "Lease modifications" are used to add known deposits of hardrock minerals to an adjacent Federal lease which contains an existing mine provided the deposits can only be mined as part of the existing mining operation.

§ 3560.2 Other applicable regulations.

§ 3560.2–1 General leasing regulations.

Part 3500 of this title contains the general regulations governing the leasing of solid minerals other than coal and oil shale and supplements, as applicable, the regulations in this part. The Part 3500 regulations include, but are not limited to, such matters as multiple mineral development, environmental review, other agency consent and consultation and lands not available for leasing. Cross-reference to specific regulations in Part 3500 is provided in this part as an aid to the reader and is not intended to limit the applicability of Part 3500 only to the cross-referenced regulations.

§ 3560.2–2 Special areas.

Part 3580 of this title contains regulations specific to certain national recreation areas and to certain lands patented to the State of California, and as applicable, supplements this part. Except where specific regulations in Part 3580 of this title are applicable, the regulations in this part and Part 3500 shall govern the leasing of hardrock minerals in those national recreation areas and those patented lands.

§ 3560.3 Lands subject to lease.

§ 3560.3–1 Department of Agriculture lands.

With the consent of the Secretary of Agriculture and subject to such conditions as he/she may prescribe, the hardrock minerals in the following lands administered by the Secretary of Agriculture are subject to lease:

(a) Lands acquired pursuant to the laws set out in Reorganization Plan No. 3 of 1946: (1) "The Act of March 4, 1917 (39 Stat. 1134; 16 U.S.C. 520); (2) Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 195, 200, 202, 205; 40 U.S.C. 401, 403a and 408); (3) The 1935 Emergency Relief Appropriations Act of April 8, 1935 (48 Stat. 115, 118); (4) Section 55 of Title I of the Act of August 24, 1935 (49 Stat. 750, 781); and, (5) The Act of July 22, 1937 (50 Stat. 522, 525, 530), as amended by the Act of July 28, 1942 (56 Stat. 725; 7 U.S.C. 1011(c) and 1018)."

(b) Lands added to the Shasta National Forest by the Act of March 19, 1948 (62 Stat. 83).

(c) Portions of Juan Jose Lobato Grant (North Lobato) and of the Anton Chica Grant (El Pueblo) in New Mexico (66 Stat. 285) described in section 1 of the Act of June 28, 1952.

(d) Public domain lands within National Forest lands in Minnesota.

(e) Lands in Shasta and Trinity Units of the Whiskeytown-Shasta-Trinity National Recreation Area, subject to the regulations in Subpart 3583 of this title.

§ 3560.3–2 National Park Service Recreation areas.

With the consent of the Regional Director, National Park Service, and subject to such conditions as may be prescribed by the Regional Director, the following national recreation areas administered by the National Park Service are available for leasing subject to the regulations in Subpart 3582 of this title:

(a) Lake Mead National Recreation Area;

(b) Whiskeytown Unit of the Whiskeytown-Shasta-Trinity National Recreation Area;

(c) Ross Lake and Lake Chelan National Recreation Areas; and

(d) Glen Canyon National Recreation Area.

§ 3560.3–3 White Mountains National Recreation Area—Alaska.

The lands within White Mountains National Recreation Area are available for lease subject to the regulations in Subpart 3585 of this title.

§ 3560.3–4 Lands patented to the State of California for park purposes.

The reserved hardrock minerals in certain lands patented to the State of California are available for lease subject to the regulations in Subpart 3574 of this title.

§ 3560.4 Allowable acreage holdings.

No person, company, association or corporation may hold at any particular time, directly or indirectly, more than 20,480 acres in any 1 state under prospecting permit and lease for a particular hardrock mineral or an associated group of hardrock minerals, of which not more than 10,240 acres may be held under lease. However, the authorized officer may authorize a lessee to hold an additional 10,240 acres under lease if he/she finds, upon a satisfactory showing submitted by the lessee, that such additional acreage is necessary to promote the orderly development of the mineral resource, and does not result in undue control of the mineral to be mined, removed and marketed. In any case, the aggregate chargeable acreage held under permit and lease shall not exceed 20,480 acres in any 1 state.

§ 3560.5 Identity of mineral or minerals required.

All applications under this section shall specify the mineral or minerals for which the lease or permit is sought. A permit, if granted, shall be for the mineral or minerals requested and any associated minerals. A preference right lease shall be issued for the mineral(s) specified in the permit for which a valuable deposit has been discovered and for any associated minerals. (See also Subpart 3563 and 3565)

§ 3560.6 Multiple development.

The granting of a hardrock permit or lease for the prospecting, development, or production of deposits for a specific mineral shall not preclude the issuance of other permits or leases for the same lands for deposits of other minerals with suitable stipulations for simultaneous operation. It is recognized, however, that multiple permits or leases for solid hardrock minerals on the same lands would not be compatible in most cases. For this reason, multiple permits or leases for such minerals generally shall not be issued for the same lands.

§ 3560.7 Hardrock mineral specimen collection.

The surface management agency having jurisdiction over the lands shall determine which areas and under what conditions mineral specimens may be collected for non-commercial purposes (e.g., recreation, hobby collecting, scientific or research specimens, etc), and whether an approved permit shall be required prior to entry on the lands by the collector. If such a permit is necessary, it shall be obtained from the responsible official of the surface management agency who shall have the discretionary authority to issue the permit, determine the permit fee, if any, and specify the terms and conditions of the permit.

Subpart 3561—Lease Terms and Conditions

§ 3561.1 Applicability of lease terms and conditions.

The lease terms and conditions set out under this section apply to all leases issued or renewed under Part 3560 of this title. Each lease shall be issued on a form approved by the Director and shall be dated as of the first day of the month after its approval by the authorized officer unless the applicant requests in writing that it be dated the first day of the month in which it is approved. Each lease shall authorize in accordance with its terms and conditions the mining of the hardrock mineral(s) for which the lease issued, including any associated minerals.

§ 3561.2 Rental and royalty.

§ 3561.2–1 Rental.

(a) Each lease shall provide for the payment of rental at the rate of $1 per acre or fraction thereof each year on or before the anniversary date of the lease. The rental payment shall not be less than $20. The rental paid for any year shall be credited against any royalties which may accrue under the lease during the year for which the rental was paid.

(b) If the annual rental is not timely remitted, the lessee shall be notified by the authorized officer that, unless payment is made within 30 days from receipt of such notification, action shall be taken to cancel the lease. (See § 3509.4–2)

(c) Remittances of rental shall be made in accordance with § 3503.1 of this title.

§ 3561.2–2 Production royalty.

The production royalty shall be determined by the authorized officer on a case-by-case basis as provided in § 3503.2–1 of this title. If hardrock minerals other than those specified in the issued lease should be discovered and mined by the lessee, an applicable royalty rate shall be established by the authorized officer for such mineral(s).

§ 3561.3 Duration of lease.

The lease shall be issued for a period not exceeding 20 years as determined by the authorized officer with a preference right in the lessee to renew for a term not to exceed 10 years at the end of the initial term and at the end of each 10-year period thereafter.

§ 3561.4 Bonds.

Prior to issuance of a lease under this part, the applicant shall furnish a bond in an amount to be determined by the authorized officer but not less than $5,000. (See Subpart 3504)

§ 3561.5 Special stipulations.

To insure adequate utilization and protection of the lands and their resources, leases shall contain such stipulations as may be prescribed by the authorized officer or the responsible official of the surface management agency if the surface is not under Bureau jurisdiction as described in §3500.9 of this title. (See also Part 3580).

§ 3561.6 Other applicable regulations.

Leases issued under this part shall also be subject to the conditions set forth in other regulations, including, but not limited to, the following:

(a) Minimum annual production and minimum royalty are covered by §3503.2–2 of this title.

(b) Suspension of operations and production and suspension of operations are covered by § 3503.3 of this title.

(c) Assignments and subleases are covered by Subpart 3506 of this title.

(d) Cancellation and relinquishment are covered by Subpart 3509 of this title.

(e) Exploration and mining are covered by Part 3590 of this title.

(f) Royalty management is covered by 30 CFR Chapter II, Subchapter A.

Subpart 3562—Hardrock Minerals Prospecting Permits

§ 3562.1 Areas subject to prospecting.

(A) prospecting permit may be issued for any area of available public domain and acquired lands subject to hardrock mineral leasing where prospecting or exploratory work is necessary to determine the existence or workability of a particular hardrock mineral(s). Discovery of a valuable deposit of any such mineral(s) within the term of the permit entitles the permittee to a preference right lease.

§ 3562.2 Rights conferred by issuance of prospecting permits.

A permit shall grant the permittee the exclusive right to prospect on and explore the lands to determine the existence of a valuable deposit of the mineral(s) for which the permit was issued, such right to be in accordance with the terms and conditions of the permit. The permittee may remove only such material as is necessary to demonstrate the existence of a valuable mineral deposit.

§ 3562.3 Application for prospecting permit.

§ 3562.3-1 Filing requirements.

(a) An application shall be filed on a form approved by the Director or an exact reproduction of that form.

(b) An application shall be filed in triplicate with the proper BLM office.

(c) The application shall be accompanied by a nonrefundable filing fee of $25, and rental for the first year at the rate of 50 cents per acre or fraction thereof made payable to the Department of the Interior-Bureau of Land Management. The rental payment shall be for the total acreage if known, and if not known, for the total acreage computed on the basis of 40 acres for each smallest subdivision. The rental payment shall not be less than $20.

§ 3562.3-2 Contents of applications.

Each application shall be typewritten, or printed plainly in ink; manually signed in ink and dated by the applicant or applicant's duly authorized attorney-in-fact, and shall contain the following:

(a) The name and address of the applicant;

(b) A statement of the applicant's holdings in accordance with Subpart 3502 of this title;

(c) A complete and accurate land description in compliance with subpart 3501 of this title. The application shall not include more than 2,560 acres in a reasonably compact form; and

(d) The name of mineral(s) for which the permit is sought. (See § 3560.5)

§ 3562.3-3 Exploration plans.

After initial review and clearance of the application, but prior to issuance of the prospecting permit, the authorized officer shall require the applicant to file an exploration plan in triplicate, reasonably designed to determine the existence or workability of the deposit. The exploration plan shall, insofar as possible, include the following:

(a) The names, addresses and telephone numbers of persons responsible for operations under the plan and to whom notices and orders are to be delivered;

(b) A brief description, including maps, of geologic, water, vegetation, and other physical factors, and the distribution, abundance and habitat of fish and wildlife, particularly threatened and endangered species, that may be affected by the proposed operation within the area where exploration is to be conducted, and the present land use within and adjacent to the area;

(c) A narrative description showing:

(1) The method of exploration and types of equipment to be used;

(2) The measures to be taken to prevent or control fire, soil erosion, pollution of surface and ground water, pollution of air, damage to fish and wildlife or their habitat and other natural resources, and hazards to public health and safety, including specific actions necessary to meet all applicable laws and regulations;

(3) The method for plugging drill holes; and

(4) The measures to be taken for surface reclamation, which shall include as appropriate:

(i) A reclamation schedule;

(ii) The method of grading, backfilling, soil stabilization, compacting and contouring;

(iii) The method of soil preparation and fertilizer application;

(iv) The type and mixture of shrubs, trees, grasses, forbs and other vegetation to be planted; and

(v) The method of planting, including approximate quantity and spacing;

(d) The estimated timetable for each phase of the work and for final completion of the program;

(e) Suitable topographic maps or aerial photographs showing existing bodies of surface water, topographic, cultural and drainage features, and the proposed locations of drill holes, trenches and roads; and

(f) Such other data as may be reasonably required by the authorized officer.

§ 3562.3-4 Rejection of application.

Any application for a prospecting permit that does not comply with the requirements of this subpart shall be rejected. If the applicant files a new application for the same lands within 30 days of receipt of the rejection, the nonrefundable filing fee and rental payment submitted with the original application shall be applied to the new application, provided the serial number of the original application is shown on the new application. If a new application is not filed within the 30-day period, the advance rental shall be refunded. Priority for the permit shall be established as of the date the corrected application is filed.

§ 3562.4 Determination of priorities.

§ 3562.4-1 Regular filings.

Priority of application shall be determined in accordance with the time of filing.

§ 3562.4-2 Simultaneous filings.

Where more than 1 application is filed at the same time for the same lands and for the same mineral, priority shall be determined in accordance with Subpart 1821 of this title.

§ 3562.5 Amendment to application.

An amendment to an application for a prospecting permit to include additional lands shall receive priority for such additional lands from the date of the filing of the amended application. The amended application shall be accompanied by the required advance rental. No additional filing fees are required.

§ 3562.6 Withdrawal of application.

An application for permit may be withdrawn in whole or in part before the permit is signed on behalf of the United States. Upon acceptance of the withdrawal by the authorized officer, the advance rental submitted with the application shall be refunded.

§ 3562.7 Permit bonds.

Prior to issuance of the permit, the applicant shall furnish a bond in an amount determined by the authorized officer, but not less than $1,000. (See Subpart 3504)

§ 3562.8 Terms and conditions of permit.

§ 3562.8-1 Duration of permit.

Prospecting permits are issued for an initial term of 2 years, and may be extended for a period not to exceed 4 years as provided in § 3562.9 of this title. No exploration activities other than those approved as part of an existing exploration plan shall be conducted following expiration of the initial term unless and until the permit has been extended by the authorized officer.

§ 3562.8-2 Dating of permits.

The permit shall be dated as of the first day of the month after its approval by the authorized officer unless the applicant requests in writing that it be dated the first day of the month in which it is approved.

§ 3562.8-3 Annual rental.

Rental at the rate of 50 cents per acre or fraction thereof shall be paid annually on or before the anniversary date of the permit. The rental payment shall not be less than $20.

§ 3562.8–4 Special stipulations.

To insure adequate protection of the lands and their resources, permits shall contain such stipulations as may be prescribed by the authorized officer or the surface management agency if the surface is not under Bureau jurisdiction as described in § 3500.9. (See also Part 3580)

§ 3562.9 Prospecting permit extensions.

§ 3562.9–1 Conditions for, and duration of, extensions.

A permit may be extended for a maximum of 4 years by the authorized officer provided that:

(a) The permittee has been unable with reasonable diligence to determine the existence or workability of valuable deposits of any mineral(s) covered by the permit and desires to continue the prospecting or exploration program. Reasonable diligence means that in the opinion of the authorized officer the permittee has drilled a sufficient number of core holes on the permit area or performed other comparable prospecting to explore the permit area within the time allowed; or

(b) The permittee's failure to perform diligent prospecting activities was due to conditions beyond his/her control.

§ 3562.9–2 Application for extension.

(a)(1) An application for extension shall be filed in the proper BLM office at least 90 days prior to expiration of the permit. No specific application form is required.

(2) Applications for extension shall be accompanied by a nonrefundable filing fee of $25 and the advance rental of 50 cents per acre or fraction thereof made payable to the Department of the Interior—Bureau of Land Management. The rental payment shall not be less than $20.

(b) The application for extension shall:

(1) Demonstrate that the permittee has met the conditions for extension set forth in § 3562.9–1 of this title;

(2) Demonstrate the permittee's diligent prospecting activities; and

(3) Show how much additional time is necessary to complete prospecting work.

§ 3562.9–3 Effective date.

The permit extension shall become effective as of the date of approval.

Subpart 3563—Preference Right Lease

§ 3563.1 Application for preference right lease.

§ 3563.1–1 Filing requirements.

(a) An application shall be filed in triplicate with the proper BLM office no later than 60 days after the prospecting permit expires. No specific form is required.

(b) The application shall be accompanied by the first year's rental at the rate of $1 per acre or fraction thereof made payable to the Department of the Interior—Bureau of Land Management. The rental payment shall not be less than $20. (See Subpart 3503)

§ 3563.1–2 Contents of application.

(a) The application shall include a statement of the applicant's holdings in accordance with Subpart 3502 of this title.

(b) The application shall contain a complete and accurate description of the lands in accordance with § 3501.1 of this title. The lands shall have been included in the prospecting permit and shall not exceed 2,560 acres.

(c) The application shall identify the mineral(s) of which a valuable deposit(s) was discovered.

(d) The application shall be accompanied by a map(s) which shows utility systems; the location of any proposed development or mining operations and facilities incidental thereto, including the approximate locations and extent of the areas to be used for pits, overburden and tailings; and the location of water sources or other resources which may be used in the proposed operations or facilities incidental thereto.

(e) The application shall include a narrative statement setting forth:

(1) The anticipated scope, method and schedule of development operations, including the types of equipment to be used;

(2) The method of mining anticipated, including the best available estimate of the mining sequence and production rate to be followed; and

(3) The relationship, if any, between the mining operations anticipated on the lands applied for and existing or planned mining operations, or facilities incidental thereto, on adjacent Federal or non-Federal lands.

§ 3563.2 Review of application.

§ 3563.2–1 Preference right determination.

The authorized officer shall determine whether the permittee has discovered a valuable deposit of any mineral covered by the prospecting permit. The determination shall be based on data furnished the authorized officer by the permittee as required by Part 3590 of this title during the life of the permit and supplemental data submitted at the request of the authorized officer to determine the extent and character of the deposit, the anticipated mining and processing methods, the anticipated location, kind and extent of necessary surface disturbance and measures to be taken to reclaim that disturbance.

§ 3563.2–2 Surface management agency.

The surface management agency, if other than the Bureau, shall review the application for preference right lease in accordance with § 3500.9 and Part 3580 of this title, as applicable. The appropriate surface management agency may request supplemental data regarding surface disturbance and reclamation if not otherwise submitted under § 3563.1–2 of this title. On acquired lands administered by the Secretary of Agriculture, supplemental data in addition to that submitted under § 3563.1–2 of this title may be required. Such data will be used in the development of environmental analyses and special stipulations.

§ 3563.3 Issuance of lease.

The authorized officer shall issue a lease to the holder of a prospecting permit who shows that, within the terms of the permit, a valuable deposit of any mineral(s) covered by the prospecting permit was discovered.

§ 3563.4 Rejection of application.

(a) The authorized officer shall reject an application for a preference right lease if the authorized officer determines:

(1) That the applicant did not discover a valuable deposit of any mineral covered by the prospecting permit;

(2) The applicant did not submit in a timely manner requested information; or

(3) The applicant did not otherwise comply with the requirements of this subpart.

(b) On alleging in an application facts the applicant believes to be sufficient to show entitlement to a lease, a permittee shall have a right to a hearing before an Administrative Law Judge in the Office of Hearings and Appeals.

(c) At the hearing, the permittee shall have both the burden of going forward and the burden of proof by a preponderance of the evidence that a valuable deposit of the mineral(s) was discovered.

Subpart 3564—Competitive Leasing

§ 3564.1 Lands subject only to competitive leasing.

Lands where prospecting or exploratory work is unnecessary to determine the existence or workability of a valuable deposit of a particular hardrock mineral may be leased only through competitive sale to the qualified bidder who offers the highest acceptable bonus bid. A competitive lease sale may

be initiated either through an expression of interest or on Bureau motion.

§ 3564.2 Surface management agency.

Prior to competitive lease offering, the surface management agency, if other than the Bureau, shall be consulted in accordance with § 3500.9 and Part 3580 of this title, as applicable. (See also § 3560.3)

§ 3564.3 Sale procedures.

§ 3564.3-1 Publication and posting of notice.

Prior to a lease offering, the authorized officer shall publish a notice of lease sale for at least 3 consecutive weeks in a newspaper of general circulation in the area in which the lands are situated. The notice of lease sale shall be posted for 30 days in the public room of the proper BLM office.

§ 3564.3-2 Contents of notice.

The lease sale notice shall include:

(a) The time and place of sale;

(b) The bidding method;

(c) A description of the tract being offered;

(d) A description of the mineral deposit being offered;

(e) The minimum bid to be considered; and

(f) Information on where a detailed statement of the terms and conditions of the lease sale and of the proposed lease may be obtained.

§ 3564.3-3 Detailed statement.

The authorized officer shall also prepare and make available a detailed statement of sale containing:

(a) The proposed lease on a form approved by the Director with terms and conditions, including the rental, royalty rates, bond amount and special stipulations;

(b) An explanation of the manner in which bids may be submitted;

(c) A notice that each bid shall be accompanied by the bidder's statement of holdings (See Subpart 3502) and one-fifth of the amount bid;

(d) A notice that the successful bidder(s) shall be required, prior to lease issuance, to pay his/her proportionate share of the total cost of the publication of the sale notice;

(e) A warning to all bidders concerning 18 U.S.C. 1860 which prohibits unlawful combination or intimidation of bidders;

(f) A statement that the Secretary reserves the right to reject any and all bids, and the right to offer the lease to the next qualified bidder if the successful bidder fails to obtain the lease for any reason; and

(g) Any other information deemed appropriate.

§ 3564.4 Bid opening.

All bids shall be opened and announced at the time and date specified in the notice of lease sale, but no bids shall be accepted or rejected at that time. Bids received after the time specified in the notice of sale shall not be considered. A bid may be withdrawn or modified prior to the time specified in the notice of sale.

§ 3564.5 Award of lease.

After the authorized officer has determined that the highest qualified bid meets or exceeds fair market value, copies of the lease on the form attached to the detailed statement shall be sent to the successful bidder who shall, within a specified time, sign and return the lease form, pay the balance of the bonus bid, pay the first year's rental, pay the publication costs and furnish the required lease bond.

§ 3564.6 Rejection of bid.

(a) If the high bid is rejected for failure of the successful bidder to sign the lease form and pay the balance of the bonus bid, or otherwise comply with the regulations of this subpart, the one-fifth bonus accompanying the bid shall be forfeited to the United States.

(b) If the lease cannot be awarded for reasons determined by the authorized officer to be beyond the control of the successful bidder, the authorized officer shall reject the bid and the deposit submitted with the bid shall be returned.

Subpart 3565—Noncompetitive Leasing—Fringe Acreage Leases and Lease Modifications

§ 3565.1 Lands subject to lease.

Lands available for leasing which are known to contain a hardrock mineral deposit that extends from an adjoining Federal lease or from privately held lands may be leased noncompetitively either by issuance of a new lease for these lands or by adding such lands to an existing Federal lease.

§ 3565.2 Special requirements.

Before a fringe acreage lease may be issued or a lease modified under this subpart, the authorized officer shall determine the following:

(a) The lands are contiguous to an existing Federal lease or to non-Federal lands owned or controlled by the applicant;

(b)(1) The new lease for fringe acreage is not in excess of 2,560 acres; or

(2) The acreage of the modified lease, including additional lands, is not in excess of 2,560 acres;

(c) The mineral deposit is not in an area of competitive interest to holders of other active mining units in the area;

(d) The lands applied for lack of sufficient reserves of the mineral resource to warrant independent development; and

(e) That leasing the lands will result in conservation of natural resources and will provide for economical and efficient recovery as part of a mining unit.

§ 3565.3 Filing requirements.

(a) An application shall be filed in triplicate with the proper BLM office. No specific application form is required.

(b) The application shall be accompanied by a nonrefundable filing fee of $25 and an advance rental payment of $1 per acre or fraction thereof for a new lease or at the rental rate set forth in the base lease for a modification made payable to the Department of the Interior—Bureau of Land Management. The rental payment shall not be less than $20.

(c) The application shall:

(1) Make reference to the serial number of the lease if the land adjoin an existing Federal lease;

(2) Contain a complete and accurate description of the land desired;

(3) Include a showing that a hardrock mineral deposit extends from the applicant's adjoining lease or from private lands owned or controlled by the applicant; and

(4) Include proof of ownership or control of the mineral deposit in the adjoining lands if not under a Federal lease.

§ 3565.4 Surface management agency.

The surface management agency shall be consulted in accordance with § 3500.9 and Part 3580 of this title, as applicable. (See also § 3560.3)

§ 3565.5 Payment of bonus.

Prior to the issuance of a new lease or a modification of an existing lease, the applicant shall be required to pay a bonus in an amount determined by the authorized officer based on an appraisal. In no event shall such payment be less than $1 per acre or fraction thereof.

§ 3565.6 Terms and conditions of lease.

New leases shall be issued subject to the terms and conditions set out under Subpart 3561 of this title. The terms and conditions of a modified lease shall be the same as in the existing lease.

Subpart 3566—Lease Renewals

§ 3566.1 Applications.

An application for lease renewal shall be filed at least 90 days prior to the expiration of the lease term. No specific form is required. All applications shall be filed in triplicate in the proper BLM office together with a nonrefundable $25 filing fee and an advance rental payment of $1 per acre or fraction thereof. The rental payment shall not be less than $20.

§ 3566.2 Bonds.

Prior to the issuance of a renewal lease, the lessee may be required to furnish a new bond as prescribed by Subpart 3504 of this title.

§ 3566.3 Failure to apply for renewal.

If the holder of a lease fails to apply for renewal as provided in § 3566.1 of this title, the lease shall expire on the last day of the lease term.

§ 3566.4 Lease terms and conditions.

Each lease, if renewed, shall be issued on a form approved by the Director and shall be dated effective the first day of the month following its approval by the authorized officer or the first day of the month following the expiration of the current lease, whichever is later, and shall otherwise be subject to the terms and conditions set forth under Subpart 3561 of this title.

Subpart 3567—Development Contracts

§ 3567.1 Development contracts and processing and milling arrangements.

Development contracts and processing and milling arrangements by 1 or more lessees with 1 or more persons, associations or corporations to justify operations on a large scale for the discovery, development, production or transportation of ores may be approved by the authorized officer without regard to the acreage limitation set forth in §3560.4 of this title.

§ 3567.2 Acreage chargeability.

Leases and permits committed to an approved development contract or to a processing or milling arrangment shall not be included in computing accountable acreage.

§ 3567.3 Applications.

All applications shall be filed in triplicate in the proper BLM office. No specific form is required. An application shall include the following:

(a) Copies of the contract affecting the Federal leases and/or permits;

(b) A statement showing the nature and reasons for the requested contract;

(c) A statement showing all of the interests held in the contract area by the designated contractor; and

(d) The proposed or agreed upon plan of operation or development of the leased lands.

§ 3567.4 Approval.

Development contracts may be approved by the authorized officer when, in his/her judgment, conservation of natural resources or the public interest shall be best served thereby. The contract shall be signed and agreed upon by the parties prior to final approval by the Bureau.

PART 3570—ASPHALT IN OKLAHOMA

Subpart 3570—Asphalt in Oklahoma—General

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Subpart 3571—Lease Terms and Conditions

Subpart 3574—Competitive Leasing

Subpart 3575—Noncompetitive Leasing—Fringe Acreage Leases and Lease Modifications

Subpart 3576—Lease Renewals

Authority: The Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 et seq.); the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); the Independent Offices Appropriations Act (31 U.S.C. 9701).

Subpart 3570—Asphalt in Oklahoma—General

§ 3570.0–3 Authority.

Authorities for leasing asphalt in Oklahoma are cited under § 3500.0–3(a) of this title.

§ 3570.1 Leasing procedures.

The regulations in this part provide the procedures for qualified applicants to obtain rights to develop deposits of asphalt on certain lands in Oklahoma. The regulations provide for this in the following manner:

(a) "Competitive leases" are issued for deposits of asphalt in Oklahoma without regard to the quantity or quality of the mineral deposit and allow the lessee to mine the deposit.

(b) "Fringe acreage leases" are issued noncompetitively for known deposits of asphalt in Oklahoma adjacent to existing mines on non-Federal lands which can be mined only as part of the existing mining operation.

(c) "Lease modifications" are used to add known deposits of asphalt in Oklahoma to an adjacent Federal lease which contains an existing mine, provided the deposits can only be mined as part of the existing mining operation.

§ 3570.2 Minerals and lands subject to leasing.

By the Act of June 28, 1944 (58 Stat. 463, 483–485), Congress authorized the Secretary to acquire certain lands and mineral deposits in Oklahoma and amended the Act to authorize leasing of the asphalt on those lands. The lands and mineral deposits covered by the 1944 law are those reserved from allotment in accordance with the provisions of section 58 of the Supplemental Agreement of 1902 (32 Stat. 654) with the Choctaw-Chickasaw Nation of Indians. Congress ratified the purchase contract in the Act of June 24, 1948 (62 Stat. 596), and appropriated funds for the purchase in the Act of May 24, 1949 (63 Stat. 76).

§ 3570.3 Other applicable regulations.

Part 3500 of this title contains the general regulations governing the leasing of solid minerals other than coal and oil shale and supplements, as applicable, the regulations in this part. The regulations in Part 3500 of this title include, but are not limited to, such matters as multiple mineral development, environmental review, other agency consent and consultation, and lands not available for leasing. Cross-reference to specific regulations in Part 3500 of this title is provided in this part as an aid to the reader and is not intended to limit the applicability of Part

3500 of this title only to the cross-referenced regulations.

§ 3570.4 Allowable acreage holdings.

No person, company, association or corporation may hold, at any one time, either directly or indirectly, leases exceeding in the aggregate 2,560 acres.

Subpart 3571—Lease Terms and Conditions

§ 3571.1 Applicability of lease terms and conditions.

Except as otherwise specifically stated, all lease terms and conditions set out under this section apply to all leases issued under Part 3570 of this title. Each lease shall be issued on a form approved by the Director and shall be dated as of the first day of the month after its approval by the authorized officer unless the applicant requests in writing that it be dated the first day of the month in which it is approved. Each lease shall authorize in accordance with its terms and conditions the mining of asphalt.

§ 3571.2 Rental and royalty.

3571.2–1 § Rental.

(a) Each lease shall provide for the payment of rental annually and in advance for each acre or fraction thereof during the continuance of the lease at the rate of 25 cents per acre or fraction thereof for the first calendar year, 50 cents for the second, third, fourth and fifth calendar years, and $1 for each calendar year thereafter. Rental is payable annually on or before January 1. The rental paid for any year shall be credited against the first royalties as they accrue under the lease during the year for which rental was paid.

(b) If the annual rental is not timely remitted, the lessee shall be notified by the authorized officer that, unless payment is made within 30 days from receipt of such notification, action shall be taken to cancel the lease. (See § 3509.4–2).

(c) Remittances of rental shall be made in accordance with § 3503.1 of this title.

§ 3571.2–2 Production royalty.

All leases shall be conditioned upon the payment to the United States of such royalties as may be specified in the lease, which shall be fixed by the authorized officer in advance as provided under § 3503.2–1 of this title, but shall not be less than 25 cents per ton of 2,000 pounds of marketable production.

§ 3571.3 Duration of lease.

The lease shall be issued for an initial term of 20 years subject to a preferential right in the lessee to renew for a 10-year term at the end of the initial term and at the end of each 10-year period thereafter.

§ 3571.4 Bonds.

Prior to issuance of a lease, the applicant shall furnish a bond in an amount to be determined by the authorized officer, but not less than $5,000 (See Subpart 3504).

§ 3571.5 Special stipulations.

To insure adequate utilization and protection of the lands and their resources, leases shall contain such stipulations as may be prescribed by the authorized officer or the responsible official of the surface management agency if the surface is not under Bureau jurisdiction as described in § 3500.9 of this title (See also Part 3580).

§ 3571.6 Other applicable regulations.

Leases issued under this part shall also be subject to the conditions set forth in other regulations, including, but not limited to, the following:

(a) Minimum annual production and minimum royalty are covered by § 3503.2–2 of this title;

(b) Suspension of operations and production and suspension of operations are covered by § 3503.3 of this title;

(c) Assignments and subleases are covered by Subpart 3506 of this title;

(d) Cancellation and relinquishment are covered by Subpart 3509 of this title;

(e) Exploration and mining are covered by Part 3590 of this title; and

(f) Royalty management is covered by 30 CFR Chapter II, Subchapter A.

Subpart 3574—Competitive Leasing

§ 3574.1 Lease by competitive bidding.

Leases may be offered competitively under this part without regard to the quantity or quality of the mineral deposit in the lands subject to the lease. A competitive lease sale may be initiated either through an expression of interest or on Bureau motion.

§ 3574.2 Surface management agency.

Prior to competitive lease offering, the surface management agency shall be consulted in accordance with § 3500.9 of this title, as applicable.

§ 3574.3 Sale procedures.

§ 3574.3–1 Publication and posting of notice.

Prior to a lease offering, the authorized officer shall publish a notice of lease sale for at least 3 consecutive weeks in a newspaper of general circulation in the area in which the lands are situated. The notice of lease sale shall be posted for 30 days in the public room of the proper BLM office.

§ 3574.3–2 Contents of notice.

The lease sale notice shall include:

(a) The time and place of sale;

(b) The bidding method;

(c) A description of the tract being offered;

(d) A description of the deposit being offered;

(e) The minimum bid to be considered; and

(f) Information on where a detailed statement of the terms and conditions of the lease sale and of the proposed lease may be obtained.

§ 3574.3–3 Detailed statement.

The authorized officer shall also prepare and make available a detailed statement of sale containing:

(a) The proposed lease on a form approved by the Director with terms and conditions, including the rental, royalty rates, bond amount, and special stipulations;

(b) An explanation of the manner in which bids may be submitted;

(c) A notice that each bid shall be accompanied by the bidder's qualifications (See Part 3502) and one-fifth of the amount bid;

(d) A notice that the successful bidder(s) shall be required, prior to lease issuance, to pay its proportionate share of the total cost of the publication of the sale notice;

(e) A warning to all bidders concerning 18 U.S.C. 1860 which prohibits unlawful combination or intimidation of bidders;

(f) A statement that the Secretary reserves the right to reject any and all bids, and the right to offer the lease to the next qualified bidder in the successful bidder fails to obtain the lease for any reason; and,

(g) Any other information deemed appropriate.

§ 3574.4 Bid opening.

All bids shall be opened and announced at the time and date specified in the notice of lease sale, but no bids shall be accepted or rejected at that time. Bids received after the time specified in the notice of sale shall not be considered. A bid may be withdrawn or modified prior to the time specified in the notice of sale.

§ 3574.5 Award of lease.

After the authorized officer has determined that the highest qualified bid meets or exceeds fair market value,

copies of the proposed lease attached to the detailed statement shall be sent to the successful bidder who shall, within a specified time, sign and return the lease form, pay the balance of the bonus bid, pay the first year's rental, pay the publication costs and furnish the required lease bond.

§ 3574.6 Rejection of bid.

(a) If the high bid is rejected for failure of the successful bidder to sign the lease form and pay the balance of the bonus bid, or otherwise comply with the regulations of this subpart, the one-fifth bonus accompanying the bid shall be forfeited to the United States.

(b) If the lease cannot be awarded for reasons determined by the authorized officer to be beyond the control of the successful bidder, the authorized officer shall reject the bid and the deposit submitted with the bid shall be returned.

Subpart 3575—Noncompetitive Leasing—Fringe Acreage Leases and Lease Modifications

§ 3575.1 Lands subject to lease.

Lands available for leasing which are known to contain a deposit of asphalt that extends from an adjoining Federal lease or from privately held lands may be leased noncompetitively either by issuance of a new lease for these lands or by adding such lands to an existing Federal lease.

§ 3575.2 Special requirements.

Before a fringe acreage lease may be issued or a lease modified under this subpart, the authorized officer shall determine the following:

(a) The lands are contiguous to an existing Federal lease or to non-Federal lands owned or controlled by the applicant;

(b)(1) The new lease for the fringe acreage is not in excess of 640 acres; or

(2) The acreage of the modified lease, including additional lands, is not in excess of 640 acres;

(c) The mineral deposit is not in an area of competitive interest to holders of other active mining units in the area;

(d) The lands applied for lack sufficient reserves of the mineral resource to warrant independent development; and

(e) Leasing the lands will result in conservation of natural resources and will provide for economical and efficient recovery as part of a mining unit.

§ 3575.3 Filing requirements.

(a) An application shall be filed in triplicate with the proper BLM office. No specific application form is required.

(b) The application shall be accompanied by a nonrefundable filing fee of $25, and an advance rental payment of 25 cents per acre or fraction thereof for a new lease or at the rental rate set forth in the base lease for a modification made payable to the Department of the Interior—Bureau of Land Management.

(c) The application shall:

(1) Make reference to the serial number of the lease if the lands adjoin an existing Federal lease;

(2) Contain a complete and accurate description of the lands desired;

(3) Include a showing that an asphalt deposit extends from the applicant's adjoining lease or from private lands owned or controlled by the applicant; and

(4) Include proof of ownership or control of the mineral deposit in the adjoining lands if not under a Federal lease.

§ 3575.4 Surface management agency.

The surface management agency, if other than the Bureau, shall be consulted in accordance with § 3500.9 of this title, as applicable.

§ 3575.5 Payment of bonus.

Prior to the issuance of a new lease or a modification of an existing lease, the applicant shall be required to pay a bonus in an amount determined by the authorized officer based on an appraisal. In no event, shall such payment be less than $1 per acre or fraction thereof.

§ 3575.6 Terms and conditions of lease.

New leases shall be issued subject to the terms and conditions set out under subpart 3571 of this title. The terms and conditions of modified leases shall be the same as in the existing leases.

Subpart 3576—Lease Renewals

§ 3576.1 Applications.

An application for lease renewal shall be filed at least 90 days prior to the expiration of the lease term. There is no specific form required. All applications shall be filed in triplicate in the proper BLM office together with a nonrefundable filing fee of $25 and an advance rental payment of $1 per acre or fraction thereof.

§ 3576.2 Bonds.

Prior to the issuance of a renewal lease, the lessee may be required to furnish a new bond as prescribed by Subpart 3504 of this title.

§ 3576.3 Failure to apply for renewal.

If the holder of a lease fails to apply for renewal timely, the lease shall expire on the last day of the lease term.

§ 3576.4 Lease terms and conditions.

Each renewal lease shall be issued on a form approved by the Director and shall be effective the first day of the month following its approval by the authorized officer or the first day of the month following the expiration of the current lease, whichever is later, and shall otherwise be subject to the terms and conditions set forth under Subpart 3571 of this title.

PART 3580—SPECIAL LEASING AREAS

Subpart 3581—Gold, Silver or Quicksilver in Confirmed Private Land Grants

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Subpart 3582—National Park Service Areas

Subpart 3583—Shasta and Trinity Units of the Whiskeytown-Shasta-Trinity National Recreation Area

Subpart 3584—Reserved Minerals in Lands Patented to the State of California for Park and Other Public Purposes

Subpart 3585—White Mountains National Recreation Area—Alaska

Authority: The Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 et seq.); the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351–359); the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); the Act of June 8, 1926 (30 U.S.C. 291–293); the Act of March 3, 1933, as amended (47 Stat. 1487); Section 10 of the Act of August 4, 1939 (43 U.S.C. 387); the Act of October 8, 1964 (16 U.S.C. 460n et seq.); the Act of November 8, 1965 (16 U.S.C. 460q et seq.); the Act of October 2, 1968 (16 U.S.C. 90c et seq.), the Act of October 27, 1972 (16 U.S.C. 460dd et seq.); the Alaska National Interest Lands Conservation Act (16 U.S.C. 460mm–2—460mm–4); the Independent Offices Appropriations Act (31 U.S.C. 9701).

Subpart 3581—Gold, Silver, or Quicksilver in Confirmed Private Land Grants

§ 3581.0–3 Authority.

Authority for leasing gold, silver, or quicksilver in confirmed private land grants is shown in § 3500.0–3(c)(1) of this title.

§ 3581.1 Lands to which applicable.

The regulations in this subpart apply to lands in private land claims patented pursuant to decrees of the Court of Private Land Claims where the grant did not convey the rights to deposits of gold, silver and quicksilver and where the grantee has not otherwise become entitled in law or in equity to the deposits.

§ 3581.2 Who may obtain a lease.

Applications shall only be filed by, and leases issued to, the owner of the lands under the confirmed land grant; that is, the original grantee or his/her record transferee or successor in title.

§ 3581.3 Application for lease.

(a) Applications for leases shall be filed in triplicate in the proper BLM office and may include all or any part of the grant for which the applicant holds title on the date of the application. No specific form is required.

(b) Applications shall set forth the name and address of the applicant, describe the lands in which the deposits occur by legal subdivision of the public surveys, if so surveyed, otherwise by metes and bounds; or if for the entire area in the grant, the name of the grant, area and date of patent shall suffice. The mineral deposits also shall be fully described, giving character, mode of occurrence, nature of the formation, kind and character of associated minerals, if any, proposed mining methods, estimate of amount of investment necessary for successful operation of the mine(s) contemplated, estimated amount of production of gold, silver and quicksilver, or any of them, and such other pertinent information as the applicant may desire to set forth, including what he/she considers a reasonable royalty rate under the lease.

(c) The applicant also shall file with his/her application a duly authenticated abstract of title showing present ownership of the lands or a certificate of the county recorder of deeds that the record title stands in the applicant's name.

§ 3581.4 Leases.

§ 3581.4–1 Lease terms.

The lease shall be issued for a period of 20 years with a preference right in the lease to renew for a 10-year term at the end of the initial term and at the end of each 10-year period thereafter.

§ 3581.4–2 Rate of royalty; investment determined.

If the authorized officer finds the application sufficient to authorize the issuance of a lease, he/she shall establish a rate of royalty of not less than 5 percent or more than 12½ percent of the value of the output of gold, silver or quicksilver at the mine and also shall establish the amount of investment required under the lease.

§ 3581.4–3 Lease form and execution.

A lease on a form approved by the Director shall be furnished to the applicant, who shall be allowed 30 days from notice within which to execute and return the lease to the proper BLM office and to furnish the required bond.

§ 3581.5 Bond.

Prior to lease issuance, the lessee shall furnish a bond of not less than $2,000 conditioned upon compliance with all terms and conditions of the lease, including the prescribed investment requirement. The authorized officer reserves the right to increase the bond amount.

Subpart 3582—National Park Service Areas

§ 3582.0–3 Authority.

Authority for leasing mineral deposits within certain national recreation areas administered by the National Park Service is found in § 3500.0–3(c)(3) of this title.

§ 3582.1 Other applicable regulations.

§ 3582.1–1 Leasable minerals.

Except as otherwise specifically provided in this subpart, leasing of deposits of leasable minerals shall be governed by regulations in Parts 3500, 3510, 3520, 3530, 3540 and 3550 of this title.

§ 3582.1–2 Hardrock minerals.

Except as otherwise specifically provided in this subpart, leasing of deposits of hardrock minerals shall be governed by regulations in Parts 3500 and 3560 of this title.

§ 3582.2 Lands to which applicable.

§ 3582.2–1 Boundary maps.

The areas subject to the regulations in this subpart are those areas of lands and water which are shown on the following maps on file and available for public inspection in the Office of the Director of the National Park Service and in the Superintendent's office of each area. The boundaries of these areas may be revised by the Secretary as authorized in the Acts cited under § 3500.0–3(c)(3) of this title.

(a) Lake Mead National Recreation Area—the map identified as "boundary map 8360—80013A, revised December 1979."

(b) Whiskeytown Unit of the Whiskeytown-Shasta-Trinity National Recreation Area—the map identified as "Proposed Whiskeytown-Shasta-Trinity National Recreation Area," numbered BOR–WEST 1004, dated July 1963.

(c) Ross Lake and Lake Chelan National Recreation Areas—the map identified as "Proposed Management Units. North Cascades, Washington," numbered MP–CAS—7002, dated October 1967.

(d) Glen Canyon National Recreation Area—the map identified as "Boundary Map Glen Canyon National Recreation Area," numbered GLC—91,006, dated August 1972.

§ 3582.2-2 Excepted areas.

The following areas shall not be opened to mineral leasing:

(a) Lake Mead National Recreation Area.

(1) All waters of Lakes Mead and Mohave and all lands within 300 feet of those lakes measured horizontally from the shoreline at maximum water surface elevations.

(2) All lands within the area of supervision of the Bureau of Reclamation around Hoover and Davis Dams and all lands within any developed and/or concentrated public use area or other area of outstanding recreational significance as designated by the Superintendent on the map (NRA–L.M. 2291A, dated July 1966) of Lake Mead National Recreation Area which is available for inspection in the Office of the Superintendent.

(b) Whiskeytown Unit of the Whiskeytown-Shasta-Trinity National Recreation Area.

(1) All waters of Whiskeytown Lake an all lands within 1 mile of that lake measured from the shoreline at maximum surface elevation.

(2) All lands classified as high density recreation, general outdoor recreation, outstanding natural and historic, as shown on the map numbered 611–20, 004B, dated April 1976 entitled "Land Classification, Whiskeytown Unit, Whiskeytown-Shasta-Trinity National Recreation Area." This map is available for public inspection in the Office of the Superintendent.

(3) All lands within section 34 of Township 33 north, Range 7 west, Mt. Diablo Meridian.

(c) Ross Lake and Lake Chelan National Recreation Areas.

(1) All of Lake Chelan National Recreation Area.

(2) All lands within one-half mile of Gorge, Diablo and Ross Lakes measured from the shoreline at maximum surface elevation.

(3) All lands proposed for or designated as wilderness.

(4) All lands within one-half mile of State Highway 20.

(5) Pyramid Lake Research Natural Area and all lands within one-half mile of its boundaries.

(d) Glen Canyon National Recreation Area.

Those areas closed to mineral disposition within the natural zone, development zone, cultural zone and portions of the recreation and resource utilization zone as shown on the map numbered 80,002A, dated March 1980, entitled "Mineral Management Plan—Glen Canyon National Recreation Area." This map is available for public inspection in the Office of the Superintendent and the Office of the State Directors, Bureau of Land Management, Arizona and Utah.

§ 3582.3 Consent and consultation.

Any mineral lease or permit shall be issued or renewed only with the consent of the Regional Director, National Park Service. Such consent shall be granted only upon a determination by the Regional Director that the activity permitted under the lease or permit shall not have significant adverse effect upon the resources or administration of the area pursuant to the authorizing legislation for the area. Any lease or permit issued shall be subject to such conditions as may be prescribed by the Regional Director to protect the surface and significant resources of the area, to preserve their use for public recreation and subject to the condition that site specific approval of any activity on the leasse or permit shall be given only upon a concurrence by the Regional Director. All lease applications for reclamation withdrawn lands also shall be submitted to the Bureau of Reclamation for review.

Subpart 3583—Shasta and Trinity Units of the Whiskeytown-Shasta-Trinity National Recreation Area

§ 3583.0-3 Authority.

Authority for leasing mineral deposits within the Shasta and Trinity Units of the Whiskeytown-Shasta-Trinity National Recreation Area administered by the Forest Service is cited in § 3500.0–3(c)(4) of this title.

§ 3583.1 Other applicable regulations.

§ 3583.1-1 Leasable minerals.

Except as otherwise specifically provided in this subpart, leasing of deposits of leasable minerals shall be governed by regulations in Parts 3500, 3510, 3520, 3530, 3540 and 3550 of this title.

§ 3583.1-2 Hardrock minerals.

This subpart governs the leasing of hardrock minerals in the Shasta and Trinity Units of the Whiskeytown-Shasta-Trinity National Recreation Area. The terms and conditions of hardrock leases issued under this subpart shall be the same as those set out for hardrock leases in subpart 3561 of this title, except as specifically modified in this subpart.

§ 3583.2 Consent of Secretary of Agriculture.

Any mineral lease for lands subject to this subpart shall be issued only with the consent of the Secretary of Agriculture and subject to such conditions as he/she may prescribe after he/she finds that such disposition would not have significant adverse effects on the purpose of the Central Valley Project or the administration of the recreation area.

§ 3583.3 Applications for hardrock mineral leases.

No specific form is required. An application shall include the applicant's name and address, a statement of holdings in accordance with Subpart 3502 of this title, a description of the lands in accordance with Subpart 3501 of this title, and the name of the mineral for which the lease is desired. The applicant shall state whether the mineral applied for can be developed in paying quantities, stating the reasons therefor, and shall furnish such facts as are available to him/her respecting the known occurrence of the mineral, the character of such occurrence and its probable value as evidencing the existence of a workable deposit of such mineral. Each application shall be filed in triplicate in the proper BLM office and shall be accompanied by a nonrefundable filing fee of $25.

§ 3583.4 Hardrock mineral leases.

§ 3583.4-1 Leasing units.

Leasing units may not exceed 640 acres consisting, if the lands are surveyed, of legal subdivisions in reasonably compact form or, if the lands are not surveyed, of a square or rectangular area with north and south and east and west boundaries so as to approximate legal subdivisions, described by metes and bounds and connected to a corner of the public survey by courses and distances. The authorized officer may prescribe a lesser area for any mineral deposit if such lesser area is adequate for an economic mining operation.

§ 3583.4-2 Royalties, rentals and minimum royalties.

Rentals and royalties shall be determined by the authorized officer on the basis of the fair market value, but in no event shall be less than:

(a) A rental of 50 cents per acre or fraction thereof payable in advance until production is obtained.

(b) A minimum royalty of $1 per acre or fraction thereof payable in advance after production is obtained.

(c) A production royalty of 2 percent of the amount or value of the minerals mined, the exact amount of royalty to be fixed prior to the issuance of the lease.

§ 3583.4–3 Special terms and conditions.

Each lease shall contain provisions for the following:

(a) Diligent development of the leased property, except when operations are interrupted by strikes, the elements or casualties not attributable to the lessee, unless operations are suspended upon a showing that the lease cannot be operated except at loss because of unfavorable market conditions;

(b) Occupation and use of the surface shall be restricted to that which is reasonably necessary for the exploration, development and extraction of the leased minerals, subject to any special rules to protect the values of the recreation area;

(c) No vegetation shall be destroyed or disturbed except where necessary to mine and remove the minerals;

(d) Operations shall not be conducted in such a manner as to adversely affect the purpose of the Central Valley Project through dumping, drainage or otherwise;

(e) Structures shall not be erected or roads or vehicle trails opened or constructed without first obtaining written permission from an authorized officer or employee of the Forest Service. The permit for a road or trail may be conditioned upon the permittee's maintaining the road or trail in passable condition satisfactory to the officer in charge of the area so long as it is used by the permittee or his/her successor;

(f) Reservation of the right to add additional terms to the lease when deemed necessary by the authorized officer or employee of the Forest Service for the protection of the surface, its resources and use for recreation.

§ 3583.4–4 Duration of lease.

Leases shall be issued for period of 5 years. Any lease in good standing, upon which production in paying quantities has been obtained, shall be subject to renewal for successive 5 year terms on such reasonable terms as may be prescribed by the Secretary. An application for renewal shall be filed in triplicate in the proper BLM office at least 90 days prior to the expiration of the current lease term unless the lands included in the lease have been withdrawn at the expiration of such term.

§ 3583.4–5 Lease by competitive bidding.

Leases may be offered competitively for any lands applied for under this subpart without regard to the quantity or quality of the mineral deposit that may be present therein.

§ 3583.5 Disposal of materials.

Materials within the public lands covered by regulations in this subpart which are not subject to the provisions of §§ 3583.1–1 and 3583.1–2 of this title shall be subject to disposal under the Material Act of 1947, as amended (30 U.S.C. 601 et seq.), subject to the conditions and limitations on occupancy and operations prescribed for leases in this subpart.

Subpart 3584—Reserved Minerals in Lands Patented to the State of California for Park or Other Public Purposes

§ 3584.0–3 Authority.

Authority for leasing reserved minerals in certain lands patented to the State of California for park or other purposes is cited under § 3500.0–3(c)(2) of this title.

§ 3584.1 Lands to which applicable.

The regulations in this subpart apply to certain lands patented to the State of California for park and other public purposes.

§ 3584.2 Minerals to be leased.

Leasable and hardrock minerals are subject to lease under this subpart.

3584.3 Other applicable regulations.

Subject to regulations in this subpart, the regulations in Parts 3500, 3510, 3520, 3530, 3540, 3550 and 3560 of this title shall govern the leasing of all leasable and hardrock minerals within this area.

§ 3584.4 Notice of application.

The authorized officer shall notify the surface owner of each application received. Notice of any proposed competitive lease sale shall be given to the surface owner prior to publication of notice of sale. Should the surface owner object to leasing of any tract for reasons determined by the authorized officer to be satisfactory, the application shall be rejected and the lands shall not be offered for lease sale.

§ 3584.5 Protection of surface.

All leases issued pursuant to this subpart shall be conditioned upon compliance by the lessee with all the laws, rules and regulations of the State of California for the safeguarding and protection of plant life, scenic features and park or recreational improvements on the lands, where not inconsistent with the terms of the lease or this section. The lease also shall provide that any mining work performed upon the lease shall be located in accordance with any requirements of the State necessary for the protection of the surface rights and uses and so conducted as to result in the least possible injury to plant life, scenic features and improvements and that, upon completion of the mining operation, all excavations, including wells, shall be closed and the property shall be conditioned for abandonment to the satisfaction of the surface owner. The lease shall further provide that any use of the lands for ingress to and egress from the mine shall be on a route approved in writing by the State's authorized representative.

§ 3584.6 Terms of lease.

Leases for hardrock minerals shall issue for a period of 5 years with a preference in the lessee for renewal for a term of 5 years at the end of the initial term and at the end of each 5 year period thereafter (See Subpart 3566).

Subpart 3585—White Mountains National Recreation Area—Alaska

§ 3585.0–3 Authority.

(a) Authority for leasing minerals in the White Mountains National Recreation Area—Alaska is found in § 3500.0–3(c)(5) of this title.

(b) Authority for approving exploration licenses is section 302(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(b)).

§ 3585.1 Lands to which applicable.

The lands subject to the regulations in this subpart are within the White Mountains National Recreation Area—Alaska which have been opened to mineral leasing and development pursuant to the findings in the land use plan for the area that such use and development would be compatible with, or would not significantly impair, public recreation and conservation of the scenic, scientific, historic, fish and wildlife or other values contributing to public enjoyment. The land use plan is on file and available for public inspection in the Bureau's Fairbanks District Office.

§ 3585.2 Other applicable regulations.

§ 3585.2–1 Leasable minerals.

Leasing of deposits of leasable minerals shall be governed by the applicable regulations in Parts 3500, 3510, 3520, 3530, 3540 and 3550 of this title.

§ 3585.2–2 Hardrock minerals.

Expect as otherwise specifically provided in §§ 3585.3 and 3585.4 of this

title for mining claimant preference right leases, the regulations in Parts 3500 and 3560 of this title shall govern the leasing of hardrock minerals.

§ 3585.3 Mining claimant preference right leases.

§ 3585.3-1 Who may obtain a mining claimant preference right lease.

Where, consistent with the land use plan, the Secretary has opened the area to mineral leasing and development, the holder of an unperfected mining claim within the White Mountains National Recreation Area—Alaska which was, prior to November 16, 1978, located, recorded and maintained in accordance with applicable Federal and State laws on lands located within the recreation area is entitled to a lease for the removal of the hardrock minerals from the mining claim(s), provided such mining claimant submits a timely application.

§ 3585.3-2 Application.

(a) An application for a mining claimant preference right lease shall be filed in triplicate in the Fairbanks District Office, Bureau of Land Management, P.O. Box 1150, Fairbanks, Alaska 99707, by the holder of an unperfected mining claim(s), within 2 years from the date the lands are opened to mineral leasing and development.

(b) No specific form is required.

(c) Each application shall be signed in ink by the applicant and shall include the following:

(1) The applicant's name and address;

(2) The serial number for each claim for which the application is made;

(3) The name of the mineral(s) for which the lease is sought; and

(4) A separate map on which the claim(s) is clearly marked.

(d) A single application may embrace any number of unperfected mining claims provided that, in the aggregate, the claims do not exceed 640 acres. The claims shall be contiguous and shall be located entirely within an area 6 miles square. Multiple applications may be submitted.

§ 3585.4 Leases.

§ 3585.4-1 Survey for leasing.

Prior to the issuance of a lease under their subpart, the applicant, at his/her own expense, shall be required to have a correct survey made under authority of a cadastral engineer, such survey to show the exterior surface boundaries of the entire lease tract, not each individual mining claim where more than one claim is involved, which boundaries are to be distinctly marked by monuments on the ground. Application for authorization of survey shall be made in accordance with Subpart 1821 of this title.

§ 3585.4-2 Terms and conditions.

Leases shall be issued on a form approved by the Director and under such terms and conditions as prescribed in the lease form and Subpart 3561 of this title. Where deemed necessary by the authorized officer, special lease stipulations also shall be included for the protection of the surface, its resources and use for recreation.

§ 3585.4-3 Relinquishment of claims.

Prior to the issuance of a lease, the applicant shall relinquish in writing any right or interest in his/her mining claim(s) as of the date the lease covering such claim(s) becomes effective.

§ 3585.5 Exploration license.

§ 3585.5-1 Exploration license.

Private parties, jointly or severally, may apply for exploration licenses to explore known hardrock mineral deposits which are not under lease or within an area subject to application and lease under § 3585.3 of this title to obtain geologic, environmental and other pertinent data concerning such deposits. Exploration licenses do not grant the licensee any preference right to a lease.

§ 3585.5-2 Other applicable regulations.

Except as otherwise specifically provided in this subpart, the regulations pertaining to land use authorizations under Part 2920 of this title shall govern the issuance of exploration licenses.

§ 3585.5-3 Exploration plan.

All applications for exploration licenses shall include an exploration plan which is in full compliance with § 3562.3-3 of this title. The approved exploration plan shall be attached to, and made a part of, the license.

§ 3585.5-4 Notice of exploration.

Applicants for exploration licenses shall publish a Notice of Exploration inviting other parties to participate in exploration under license on a pro rata cost sharing basis.

§ 3585.5-5 Contents of notice.

The Notice of Exploration prepared by the authorized officer and furnished to the applicant shall contain:

(a) The name and address of the applicant;

(b) A description of the lands;

(c) The address of the Bureau office where the exploration plan will be available for inspection; and

(d) An invitation to the public to participate in the exploration under the license.

§ 3585.5-6 Publication and posting of notice.

(a) The applicant shall publish the Notice of Exploration once a week for 3 consecutive weeks in at least 1 newspaper of general circulation nearest the area where the lands are located.

(b) The authorized officer shall post the notice in the Bureau's Alaska State Office and in the Fairbanks District Office for 30 days.

§ 3585.5-7 Notice of participation.

Any person who seeks to participate in the exploration program shall notify the authorized officer and the applicant in writing within 30 days after posting of the Notice of Exploration.

§ 3585.5-8 Decision on plan and participation.

(a) The authorized officer may issue the exploration license naming participants and acreage covered, establishing core hole spacing and resolving any other issue necessary to minimize surface disturbance and inconsistencies between the exploration plan.

(b) Upon application by the participants, a modification of the exploration plan may be approved by the authorized officer.

§ 3585.5-9 Submission of data.

The licensee shall furnish the authorized officer with copies of all data obtained during exploration. All data shall be considered confidential and not made public until the areas have been leased or until the authorized officer determines that public access to the data is not exempt from disclosure under the Freedom of Information Act, whichever occurs first.

Subpart 3586—Sand and Gravel in Nevada

§ 3586.1 Applicable laws and regulations.

The Act of June 8, 1926 (44 Stat. 708), authorizes the Secretary to dispose of the reserved minerals in certain lands patented to the State of Nevada under such conditions and under such rules and regulations as he/she may prescribe. Mineral materials, including deposits of sand and gravel, in such lands shall, except for leases granted and renewed under this subpart, be subject to disposal only under the regulations in group 3600 of this title which implement the Materials Act of 1947, as amended (30 U.S.C. 601 et seq.).

§ 3586.2 Existing leases.

Existing sand and gravel leases may be renewed at the expiration of their initial term, and at the end of each successive 5-year period thereafter, for an additional term of 5 years, under such terms and conditions as the authorized officer determines to be reasonable. An application for renewal shall be filed in triplicate in the proper BLM office within 90 days prior to the expiration of the lease term and be accompanied by a nonrefundable filing fee of $25. Prior to renewal of a lease, the lessee shall be required to file a new bond and remit advance rental for the first year of the renewal lease at the rate prescribed by the authorized officer. The rental payment shall not be less than $20. The lease shall be renewed only upon application of the lessee of record. The authorized officer shall not renew any lease that is not producing sand and gravel or is not part of an existing sand and gravel mining operation.

§ 3586.3 Transfers of lease.

Leases may be transferred in whole or in part. The regulations in Subpart 3506 of this title shall govern all such transfers.

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Part VI

Department of Defense

General Services Administration

National Aeronautics and Space Administration

48 CFR Parts 15 and 31

Federal Acquisition Regulation (FAR); Price Negotiation Memorandum and Construction and Architect-Engineer Contracts; Proposed Rules

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 15

Federal Acquisition Regulation (FAR); Price Negotiation Memorandum

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council are considering a change to Federal Acquisition Regulation (FAR) 15.808, Price negotiation memorandum.

COMMENTS: Comments should be submitted to the FAR Secretariat at the address shown below on or before May 22, 1986, to be considered in the formulation of a final rule.

ADDRESS: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets NW., Room 4041, Washington, DC 20405.

Please cite FAR Case 86–19 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Margaret A. Willis, FAR Secretariat, Telephone (202) 523–4755.

SUPPLEMENTARY INFORMATION:

A. Background

The recommended revision to FAR 15.808(a)(8) expands the existing requirements to summarize proposed recommended and negotiated amounts by specifically requiring that the summary be in terms of major cost elements. Also specifically required is the summary of the Government's negotiation objective and the "considered negotiated" amounts. This additional set of requirements applies only where cost analysis is used to determine price reasonableness. The recommended coverage does not define or list "major cost element" because of the many varied titles and descriptions of cost elements used by the thousands of contractors who are required to submit cost data to the Government in support of contract prices.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (Pub. L. 96–354) does not apply because the proposed revision is not a "significant revision" as defined in FAR 1.501–1; i.e., it does not alter the substantive meaning of any coverage in the FAR having a significant cost or administrative impact on contractors or offerors, or a significant effect beyond the internal operating procedures of the issuing agencies. Accordingly, and consistent with section 1212 of Pub. L. 98–525 and section 302 of Pub. L. 98–577 pertaining to publication of proposed regulations (as implemented in FAR Subpart 1.5, Agency and Public Participation), solicitation of agency and public views on the proposed revision is not required. Since such solicitation is not required, the Regulatory Flexibility Act does not apply. Althoug such solicitation is not required, comments are invited.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 96–511) does not apply because the proposed change to FAR 15.808(a)(8) does not impose any additional reporting or recordkeeping requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, et seq.

List of Subjects in 48 CFR Part 15

Government procurement.

Dated: April 16, 1986.

Lawrence J. Rizzi,

Director, Office of Federal Acquisition and Regulatory Policy.

Therefore, it is proposed that 48 CFR Part 15 be amended as follows:

PART 15—CONTRACTING BY NEGOTIATION

1. The authority citation for Part 15 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137; and 42 U.S.C. 2453(c).

2. Section 15.808 is amended by revising paragraphs (a)(8) and (a)(9) to read as follows:

15.808 Price negotiation memorandum.

* * * * *

(a) * * *

(8) A summary of the contractor's proposal, the field pricing report recommendations, and the reasons for any pertinent variances from the field pricing report recommendation. Where the determination of price reasonableness is based on cost analysis, the summary shall address each major cost element (i) proposed by the contractor, (ii) recommended by the field pricing assistance report (if any), (iii) contained in the Government's negotiation objective, and (iv) considered negotiated as a part of the price.

(9) The most significant facts or considerations controlling the establishment of the prenegotiation price objective and the negotiated price including an explanation of any significant differences between the two positions. To the extent such direction is received, the PNM shall discuss and quantify the impact of direction given by Congress, other agencies, and higher level officials (i.e., officials who would not normally exercise authority during the award and review process for the instant contract action) if the direction has had a significant effect on the action.

* * * * *

[FR Doc. 86–8889 Filed 4–21–86; 8:45 am]

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48 CFR Part 31

Federal Acquisition Regulation (FAR); Construction and Architect-Engineer Contracts

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council are considering a change to Federal Acquisition Regulation (FAR) 31.105, Construction and architect-engineer contracts, concerning the exclusion of unallowable costs from cost submissions that are based on the use of construction equipment cost schedules.

Comments: Comments should be submitted to the FAR Secretariat at the address shown below on or before May 22, 1986, to be considered in the formulation of a final rule.

ADDRESS: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets NW., Room 4041, Washington, DC 20405.

Please cite FAR Case 86–21 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Margaret A. Willis, FAR Secretariat, Telephone (202) 523–4755.

SUPPLEMENTARY INFORMATION:

A. Background

At the present time, contractors are permitted to use construction equipment ownership and operating cost schedules to determine equipment costs when actual costs cannot be determined from

their accounting records. A change is being proposed which specifically precludes the acceptance of unallowable costs as the result of using such a schedule. The proposal is being made because one of the more prominent industry supported schedules was found to include some unallowable cost factors.

B. Regulatory Flexibility Act

The proposed revision of FAR 31.105 is not expected to have a significant impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, et seq.) because it represents no change in existing policy. FAR 31.109(c) already prohibits contracting officers from agreeing to a treatment of costs inconsistent with FAR Part 31. The revised wording of FAR 31.105 merely clarifies a policy which might be overlooked when predetermined equipment rate schedules are authorized for determining construction equipment ownership and operating costs.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 96–511) does not apply because the proposed revision to FAR 31.105 does not impose any additional reporting or recordkeeping requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, et seq.

List of Subjects in 48 CFR Part 31

Government procurement.

Dated: April 16, 1986.

Lawrence J. Rizzi,

Director, Office of Federal Acquisition and Regulatory Policy.

Therefore, it is proposed that 48 CFR Part 31 be amended as set forth below:

PART 31—CONTRACT COST PRINCIPLES AND PROCEDURES

1. The authority citation for Part 31 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137; and 42 U.S.C. 2453(c).

2. Section 31.105 is amended by revising paragraph (d)(2)(i)(A) to read as follows:

31.105 Construction and architect-engineer contracts.

* * * * *

(d) * * *

(2) * * *

(i) * * *

(A) Actual cost data shall be used when such data can be determined for both ownership and operating costs for each piece of equipment, or groups of similar serial or series equipment, from the contractor's accounting records. When such costs cannot be so determined, the contracting agency may specify the use of a particular schedule of predetermined rates or any part thereof to determine ownership and operating costs of contruction equipment (see subdivisons (B) and (C) below). However, costs otherwise unallowable under this Part shall not become allowable through the use of any schedule (see 31.109(c)). For example, schedules need to be adjusted for Government contract costing purposes if they are based on replacement cost, include unallowable interest costs, or use improper cost of money rates or computations. Contracting officers should review the computations and factors included within the specified schedule and ensure that unallowable or unacceptably computed factors are not allowed in cost submissions.

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Tuesday
April 22, 1986

Part VII

International Development Cooperation Agency

Agency for International Development

48 CFR Chapter 7

Acquisition Regulation Concerning Direct AID Contracts With U.S. Citizens or U.S. Resident Aliens for Personal Services Abroad; Final Rule

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

48 CFR Ch. 7, Appendix D

[AIDAR Notice 86-2]

Acquisition Regulation Concerning Direct AID Contracts With U.S. Citizens or U.S. Resident Aliens for Personal Services Abroad

AGENCY: Agency for International Development (AID).

ACTION: Final rule.

SUMMARY: The AID Acquisition Regulation (AIDAR) is being amended by revising and updating in its entirety, Appendix D, Direct AID Contracts With U.S. Citizens or U.S. Resident Aliens for Personal Services Abroad.

EFFECTIVE DATE: April 22, 1986.

FOR FURTHER INFORMATION CONTACT: M/SER/PPE, Mrs. Partricia L. Bullock, telephone (703) 235–1822.

SUPPLEMENTARY INFORMATION: The AIDAR Appendix D is being amended specifically to include: (1) The addition of a pay comparability adjustment for Personal Services Contractors (PSCs) not to exceed that amount set out in each Executive Order which authorizes pay comparability adjustments to direct hire employees, (2) new health and life insurance coverage, (3) additional annual leave coverage for PSC's, (4) new salary setting procedures, (5) the requirement to use the Standard Form 171, "Personal Qualifications Statement" instead of AID Form 1420–17, "Contractor Employee Biographical Data Sheet" for each PSC, and (6) to add appropriate AIDAR clauses as well as FAR clauses.

This AIDAR Notice is not a major rule and is exempt from the requirements of Executive Order 12291 by OMB Bulletin 85–7. Therefore, the change is not considered "significant" under FAR 1.301 or FAR 1.501, and public comments have not been solicited. This Notice will not have an impact on a substantial number of small entities or require any information collection, as contemplated by the Regulatory Flexibility Act or the Paperwork Reduction Act respectively.

List of Subjects in 48 CFR Ch. 7, Appendix D,

Government procurement.

1. The Authority citation in Chapter 7, Appendix D is unchanged and continues to read as follows:

Authority: Sec. 621, 75 Stat. 445 (22 U.S.C. 2381) as amended: E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435.

2. Appendix D is revised to read as follows:

Appendix D—Direct AID Contracts With U.S. Citizens or U.S. Resident Aliens for Personal Services Abroad

1. General

(a) *Purpose.* This appendix sets forth the authority, policy, and procedures under which AID contracts with U.S. citizens or U.S. resident aliens for personal services abroad.

(b) *Definitions.* For the purpose of this appendix:

(1) "Personal services" means an employer-employee relationship (see FAR 37.104).

(2) "Nonpersonal services" means an independent contractor relationship (see FAR 37.101).

(3) "U.S resident alien" means a non-U.S. citizen lawfully admitted for permanent residence in the United States.

(4) "Abroad" means outside the United States and its possessions (see FAR Subpart 2.1).

(5) "AID direct-hire employees" means civilian employees appointed under AID Handbook 25 procedures.

2. Legal Basis

(a) Section 635(b) of the Foreign Assistance Act of 1961, as amended (hereinafter referred to as the "FAA"), provides the Agency's basic contracting authority for nonpersonal services.

(b) Section 636(a)(3) of the FAA (22 U.S.C. 2396(a)(3)) authorizes the Agency to enter into personal services contracts with individuals for personal services abroad and provides further that such individuals" . . . shall not be regarded as employees of the U.S. Government for the purpose of any law administered by the Civil Service Commission."[1]

3. Applicability

(a) This appendix applies to all personal services contracts with U.S. citizens or U.S. resident aliens to provide assistance abroad under Section 636(a)(3) of the FAA. (The various sections of this appendix define the employer-employee relationship.)

(b) This appendix does not apply to:

(1) Nonpersonal services contracts with U.S. citizens or U.S. resident aliens; such contracts are covered by the basic text of the FAR and the AIDAR.

(2) Personal services contracts with individual cooperating country nationals (CCNs) or third-country nationals (TCNs); such contracts are covered by Appendix J of this chapter.

(3) Other personal services arrangements covered by *AID Handbook 25—Employment and Promotion.*

(4) Interagency agreements (e.g., PASAs and RSSAs) covered by *AID Handbook 12—Use of Federal Agencies.*

4. Policy

(a) *General.* AID may finance, with either program or operating expense (OE) funds, the cost of personal services as part of the Agency's program of foreign assistance by entering into a direct contract with an individual U.S. citizen or U.S. resident alien for personal services abroad.

(b) *Limitations on personal services contracts.*

(1) Personal services contracts may only be used when adequate supervision is available.

(2) Personal services contracts may be used for commercial activities. Commercial activities provide a product or service which could be obtained from a commercial source. See Attachment A of OMB Circular A–76 for a representative list of such activities.

(3) Personal services contracts may be used for Governmental functions (defined by OMB Circular A–76 as functions so intimately related to the public interest as to mandate performance by Government employees) *except:*

(i) Negotiating on behalf of the United States with foreign governments and public international organizations. Note: Negotiating on behalf of the United States with private individuals and entities is permitted.

(ii) Entering into any agreement (e.g., loan, grant, contract) on behalf of the United States.

(iii) Making decisions involving governmental functions such as planning, budget, programming and personnel selection. Services will be limited to making recommendations with final decision-making authority reserved for authorized AID direct-hire employees.

(iv) Supervision of AID direct-hire U.S. citizen employees.

(c) *Withholdings and Fringe Benefits.*

(1) Personal services contractors (PSCs) are Government employees and are therefore subject to social security (FICA) and Federal income tax (FIT) withholdings. As employees, they are ineligible for the "foreign earned income" exclusion under the IRS regulations (see 26 CFR 1.911–3(c)(3)).

(2) Personal Services Contractors are treated on par with other Government employees, *except* for programs based on any law administered by the Federal

[1] The Civil Service Commission is now the Federal Office of Personnel Management.

Office of Personnel Management (e.g., incentive awards, life insurance, health insurance, and retirement programs covered by 5 CFR Parts 530, 531, 831, 870, 871, and 890). While PSCs are ineligible to participate in any of these programs, the following fringe benefits are provided as a matter of policy:

(i) The employer's FICA contribution for retirement purposes;

(ii) A contribution against the actual costs of the PSC's annual health insurance costs. Such contribution: (1) Shall not exceed 50% of the actual costs of the PSC's annual health insurance and (2) shall not exceed the maximum U.S. Government contribution for direct-hire personnel as announced annually by the Office of Personnel Management.

(iii) A maximum contribution of up to 50% against the actual costs of the PSC's annual life insurance costs, not to exceed $500.00 per year.

(iv) PSCs shall receive the same percentage pay comparability adjustment as U.S. Government employees;

(v) PSCs shall receive the following allowances and differentials provided in the State Department's Standardized Regulations (Government Civilians Foreign Areas) on the same basis as U.S. Government employees:

(A) temporary lodging allowance (Section 120),[2]

(B) living quarters allowance (Section 130),[2]

(C) post allowance (Section 220),[2]

(D) supplemental post allowance (Section 230),[2]

(E) separate maintenance allowance (Section 260),[3]

(F) education allowance (Section 270),[3]

(G) educational travel (Section 280),[3]

(H) post differential (Chapter 500),

(I) payments during evacuation/authorized departure (Section 600), and

(J) danger pay (Section 650).

Any allowance or differential that is not *expressly stated* in this paragraph is not authorized for any PSC;

(vi) PSCs and their authorized dependents shall be entitled to health room services of the same type that are normally provided to AID direct-hire U.S. citizen employees. See General Provision entitled "Post of Assignment Privileges."

(vii) PSCs are eligible to receive benefits for injury, disability, or death under the Federal Employees' Compensation Act since the law is administered by the Department of Labor, not the Office of Personnel Management.

(viii) PSCs are eligible to earn four hours of annual leave and four hours of sick leave for each two week period. However, PSCs with previous PSC service (not previous U.S. Government civilian or military service) earn *either* six hours of annual leave for each two week period if their previous PSC service exceeds 3 years, *or* eight hours of annual leave for each two week period if their previous PSC service exceeds 15 years.

(d) A PSC who is a spouse of current or retired Civil Service, Foreign Service, or Military Service member and who is covered by their spouse's Government health or life insurance policy is ineligible for the contribution under paragraph 4(c)(2)(ii) or (2) (iii) of this appendix.

(e) Retired U.S. Government employees may be awarded personal services contracts without any reduction in or offset against their Government annuity.

(f) *Salary Setting.*

(1) Salaries for personal services contractors shall be based on the salary established for the position being recruited for or the PSC's current earnings (as adjusted under (f)(2) and (f)(3) below), except as provided in paragraphs (f)(4) through (f)(7) below. Current earnings must be certified by the contractor on the SF 171, "Personal Qualifications Statement" (see paragraph 6(b)(3) of this appendix); the form must be retained in the permanent contract file.

(2) As a rule, up to a 3 percent increase above current earnings may be given. However, a 3 percent increase is awarded only to a PSC whose earnings are based on a period of twelve months or more; 2 percent for established earnings of less than twelve months but not less than four months; or 1 percent for established earnings during the past four months.

(3) Additional percentages may be given for the following factors. If a PSC has worked in a developing country for more than two years, an additional 1 percent is awarded. Education related to the area of specialization and above the minimum qualification required warrants an additional 1 percent, and those specialties for which there is keen competition in the employment market or a serious shortage category nationwide are awarded an additional 2 percent. In addition, related technical experience over 5 years increases the percentage by 1 and over ten years by 3.

(4) When an applicant has no current earnings history (e.g., a person returning to the workforce after an absence of a number of years) or when an applicant's current earnings history doesn't accurately reflect the applicant's job market worth (e.g., a Peace Corps volunteer), the salary set for the position should be used, notwithstanding the lack of a current earnings history, provided that the applicant has the full qualifications for the job and could command a similar salary in the open job market.

(5) All requests for an initial rate of pay above 10 percent over current earnings must be approved in writing by the appropriate Regional Assistant Administrator or Mission Director. Current earnings are actual earnings for work reasonably related to the position for which the applicant is being considered.

(6) Salaries in excess of the FS–1 level must also be approved by the appropriate Regional Assistant Administrator or Mission Director, as provided for in Appendix G of this chapter.

5. Soliciting for Personal Services Contracts [Reserved]

6. Negotiating a Personal Services Contract [Reserved]

7. Executing a Personal Services Contract

Contracting activities, whether AID/W or Mission, may execute personal services contracts, provided that the amount of the contract does not exceed the contracting authority that has been redelegated to them under Delegation of Authority No. 148, "To the Assistant to the Administrator for Management, Concerning Acquisition Functions" (50 FR 23842), as amended.

In executing a contract, the Contracting Officer shall ensure that:

(a) The following clearances, approvals and forms have been obtained and placed in the contract file before the contract is signed by both parties:

(1) Security clearance, including the completed SF 86, to the extent required by AID Handbook 6, *Security;*

(2) Mission and host country clearance, as appropriate;

(3) Medical clearance(s) based on a full medical examination(s) and certification of same by a licensed physician (medical clearance requirements apply to the contractor and to each dependent who is authorized to travel to the overseas post);

(4) An executed IRS Form W–4 (2 copies) (one copy of the executed W–4 shall be sent to the Controller of the Paying Office);

[2] Mission Directors may authorize per diem in lieu of these allowances.

[3] These allowances are not authorized for short tours (i.e., less than a year).

(5) The approval for any salary in excess of FS–1, in accordance with appendix G of this chapter;

(6) Appropriate explanation and support required by AIDAR 706.302–70, if applicable;

(7) Any deviation to the policy or procedures of this appendix, processed and approved under AIDAR 701.470;

(8) A fully executed SF 171;

(9) The memorandum of negotiation;

(10) The Contract Negotiator's Checklist;

(b) Funds for the contract are properly obligated to preclude violation of the Anti-Deficiency Act, 31 U.S.C. 665 (the contracting officer ensures that the contract has been properly recorded by the appropriate accounting office prior to its release for the signature of the selected contractor);

(c) The Contractor receives and understands Attachment 2C of Chapter 2, AID Handbook 24, *General Personnel Policy*, entitled "Employee Responsibilities and Conduct," and a copy is attached to each Contract, as provided for in paragraph 2(c) of the General Provision (Section 11);

(d) Agency conflict of interest requirements, as set out in Chapter 2D and 2F of AID Handbook 24, are met by the contractor prior to his/her reporting for duty;

(e) The contract is modified by deleting from the general provisions (Sections 11, and 12 of this appendix) the inapplicable portion(s) of the provisions entitled "Allowances", "Travel and Transportation Expenses" and the medical clearance of dependents residing with the contractor at post if the contractor is a resident of the cooperating country (resident hire employee) when the contract is awarded; specifically, resident hire employees are not eligible for:

(1) The accrual and granting of home leave and home leave travel;

(2) Rest and Recuperation (R&R) travel, except as a dependent of a U.S. Government employee, or an AID participating agency employee who is eligible for travel (see HB 29, Attachment 1);

(3) Separation travel and transportation of efforts; and

(4) Storage of household and personal effects; and

(f) The block entitled, "Project No." on the cover page of the Contract format is completed by inserting the four-segment project number as prescribed in AID Handbook 18, *Information Services*.

8. Post Audit

The Inspector General, or his/her designee, audits the personal services contracts of all contracting activities for the purpose of ensuring conformance to applicable policy and regulations.

9. Contracting Format

The prescribed Contract Cover Page, Contract Schedule, General Provisions, and Additional General Provisions for personal services contracts covered by this appendix are included as follows:

10. Form AID 1420–36, "Cover Page" and "Schedule"

11. "General Provisions"

12. "Additional Provisions"

13. FAR Clauses to be incorporated by reference in personal services contracts.

BILLING CODE 6116–01–M

SECTION 10

OMB No. 0412-0520
Expiration Date: 06/31/87

AGENCY FOR INTERNATIONAL DEVELOPMENT
WASHINGTON, D.C. 20523

CONTRACT WITH A U.S. CITIZEN OR U.S. RESIDENT FOR PERSONAL SERVICES ABROAD

Negotiated Pursuant to Section 636(a)(3) of the Foreign Assistance Act of 1961, as Amended, and Executive Order 11223	Contract Number
Country of Performance	Amount Obligated $
Contract For	Total Estimated Contract Cost $
	Project Number
Contracting Office *(name and address)*	Contractor *(name, street, city, state, zip code)*
Administered By *(if other than Contracting Office)*	
Cognizant Scientific/Technical Office *(name, office symbol, address)*	Effective Date / Estimated Completion Date
	Accounting and Appropriation Data PIO/T Number Appropriation Number Budget Plan Code Social Security Number
This is a Consulting Services Contract *(AIDAR 737.272)* ☐ YES ☐ NO	
Payment Will Be Made By	Type of Advance *("X" appropriate box)* ☐ INITIAL ☐ NONE AUTHORIZED

The United States of America, hereinafter called the Government, represented by the Contracting Officer executing this contract, and the Contractor agree that the Contractor shall perform all the services set forth in the attached Schedule, for the consideration stated therein. The rights and obligations of the parties to this contract shall be subject to and governed by the Schedule and the General Provisions. To the extent of any inconsistency between the Schedule or the General Provisions and any specifications or other provisions which are made a part of this contract, by reference or otherwise, the Schedule and the General Provisions shall control. To the extent of any inconsistency between the Schedule and the General Provisions, the Schedule shall control.

SPECIAL NOTE: As an employee under 22 U.S.C. 2396(a)(3), the Contractor is subject to both FICA and Federal Income Tax withholding.

(Fill in appropriate spaces)

This Contract consists of this Cover Page, the Schedule of _____ pages, including the Table of Contents, the General Provisions (Section 11, dated _____), the Additional General Provisions (Section 12, dated _____), and Section 13 FAR Clauses, dated _____.

	UNITED STATES OF AMERICA AGENCY FOR INTERNATIONAL DEVELOPMENT
Signature of Contractor	By *(signature of Contracting Officer)*
Typed or Printed Name	Typed or Printed Name
Date	Date

AID 1420-36A (7-85)
BILLING CODE 6116-01-C

Privacy Act Statement

This information is provided pursuant to Public Law 93–579 (Privacy Act of 1974), December 31, 1974, for individuals who complete this form.

The Executive Office of the President, Office of Management and Budget has required that all departments and agencies comply with the reporting requirements of Section 6041 of the Internal Revenue Code. Section 6041 states that all departments and agencies making payments totalling $600.00 or more in one year to a recipient for services provided must be reported to the Internal Revenue Service (IRS). The SSN and all financial numbers will be disclosed to Agency for International Development (AID) payroll office personnel and personnel in the Department of the Treasury, Division of Disbursements. AID will use this SSN to complete Form W–2 of the Code on employee compensation. Disclosure by the personal services contractor of the SSN is necessary to obtain the services, benefits or processes provided by this contract. Disclosure of the SSN may be made outside AID (a) pursuant to any applicable routine use listed in AID's Notice for implementing the Privacy Act as published in the **Federal Register**, or (b) when disclosure by virture of a contract being a public document after signatures is authorized under the Freedom of Information Act.

TABLE OF CONTENTS

Schedule

The Schedule on pages 2 through 5 consists of this Table of Contents and the following Articles:

General Provisions

The following provisions numbered as shown below omitting number(s) ———, are the General Provisions (GPs) of this Contract:

For a tour of duty of 1 year or more, "Additional General Provisions (AGP)" will be attached and be applicable to this contract. References to individual clauses should specify for example, "GP 9" (insurance), or "AGP 34" (termination).

Schedule

Note.—Use of the following Schedule articles are not mandatory. They are intended to serve as guidelines for contracting offices in drafting contract schedules. Article language may be changed to suit the needs of the particular contract.

Article I—Statement of Duties

(The statement of duties shall include:

A. General statement of the purpose of the contract.

B. Statement of duties to be performed.

C. Any AID Consultation or orientation.)

Article II—Period of Service Overseas

Within ——— days after written notice from the Contracting Officer that all clearances, including the doctor's certificate required under General Provisions Clause 3, have been received or unless another date is specified by the Contracting Officer in writing, the contractor shall proceed to ——— where he/she shall promptly commence performance of the duties specified above. The contractor's period of service overseas shall be approximately ——— in ———. (Specify time of duties in each location as well as authorized stopovers with purpose of each.)

Article III—Contractor's Compensation and Reimbursement in U.S. Dollars

A. Except to the extent reimbursement therefor is payable in the currency of the Cooperating Country pursuant to Article IV, AID shall pay the contractor compensation after it has accrued and reimburse him/her in U.S. dollars for necessary and reasonable costs actually incurred by him/her in the performance of this contract within the categories listed in paragraph C, below, and subject to the conditions and limitations applicable thereto as set out herein and in the attached General Provisions (GP).

B. The amount budgeted and available as personal compensation to the contractor is calculated to cover a calendar period of approximately ——— (days) (weeks) (months) (years) (which is to include (1) vacation, sick, and home leave which may be earned during the contractor's tour of duty (GP Clause No. 5, AGP Clause No. 29), (2) ——— days for authorized travel (GP Clause 10(b)), and (3) ——— days for orientation and consultation in the United States.

C. Allowable Costs:

1. Compensation at the rate of $——— per (year) (month) (week) (day). Adjustments in compensation (pay) for periods when the contractor is not in compensable pay status shall be calculated as follows: Rate of $——— per (day) (hour).

Contingency for Compensation (Pay Comparability) Adjustments. $———.

2. Overtime (Unless specifically authorized in the Schedule of this contract, no overtime hours shall be allowed hereunder.) $———

*3. Overseas Differential (Ref. GP Clause No. 6.) Rate ——— and Contingency $——— $———

**4. Allowances in Cooperating Country (Ref. GP Clause 6 and AGP Clause 30.) $———

**5. Travel and Transportation (Ref. GP Clause 10 and AGP Clause 31.) (Includes the value of GTRs furnished by the Government, not payable to Contractor). $———

a. United States $———
b. International $———
c. Cooperating and Third Country $———
Subtotal Item 5 $———

**6. Subsistence or Per Diem (Ref. GP Clause 10 and AGP Clause 31.)

a. United States $———
b. International $———
c. Cooperating and Third Country $———
Subtotal Item 6 $———

7. Other Direct Costs.

a. Health and Life Insurance Ref. GP (Clause 9–b.) $———
b. Precontract Costs, passport, visa, inoculations, etc. (Ref. GP Clause 8.) $———
c. Physical Examination (Ref. GP Clause 3 and AGP Clause 23.) $———
d. Communications, Miscellaneous. $———

Subtotal Item 7 $———

8. F.I.C.A.—U.S.C. contribution (not payable to contractor). $———

*If post differential is applicable to the assigned post, a contingency for the adjusted amount of differential resulting from compensation (pay comparability) adjustment should be included.

**Do not include the value of any costs to be paid or reimbursed in local currency.

Total estimated costs (lines 1 thru 8). $———

D. Maximum U.S.-Dollar Obligation:

In no event shall the maximum U.S.-dollar obligation under this contract, exceed $———. Contractor shall keep a close account of all obligations he/she incurs and accrues hereunder and promptly notify the Contracting Officer whenever in his/her opinion the said maximum is not sufficient to cover all compensation and costs reimbursable in U.S. dollars which he/she anticipates under the contract.

Article IV—Costs Reimbursable and Logistic Support

A. General:

The contractor shall be provided with or reimbursed in local currency ( ) for the following:

[Complete]

B. Method of Payment of Local Currency Costs:

Those contract costs which are specified as local currency costs in paragraph A above, if not furnished in kind by the cooperating government or the Mission, shall be paid to the contractor in a manner adapted to the local situation, based on vouchers submitted in accordance with General Provision Clause 12. The documentation for such costs shall be on such forms and in such manner as the Mission Director shall prescribe.

Article V—Precontract Expenses

No expense incurred before execution of this contract will be reimbursed unless such expense was incurred after receipt and acceptance of a precontract expense letter issued to the contractor by the Contracting Officer, and then only in accordance with the provisions and limitations contained in such letter. The rights and obligations created by such letter shall be considered as merged into this contract.

Article VI—Additional Clauses

(Additional Schedule clauses may be added such as the implementation of General Provisions or Additional General Provisions clauses.)

Section 11. General Provisions

Contract With a U.S. Citizen or a U.S. Resident Alien for Personal Services Abroad

The following clauses are to be used for tours of duty of less than 1 year. For tours of duty of 1 year or more these "General Provisions" will be supplemented by the "Additional General Provisions", Section 12.

Index of Clauses

1. Definitions (Dec. 1985)

(a) "Administrator" shall mean the Administrator or the Deputy Administrator of AID.

(b) "AID" shall mean the Agency for International Development.

(c) "Contracting Officer" shall mean a person with the authority to enter into, administer, and/or terminate contracts and make related determinations and findings. The term includes certain authorized representatives of the Contracting Officer acting within the limits of their authority as delegated by the Contracting Officer.

(d) "Contractor" shall mean the individual engaged to serve in the Cooperating Country under this Contract.

(e) "Cooperating Country" shall mean the foreign country in or for which services are to be rendered hereunder.

(f) "Cooperating Government" shall mean the government of the Cooperating Country.

(g) "Economy class" air travel (also known as jet-economy, air coach, tourist-class, etc.) shall mean a class of travel which is less than first class.

(h) "Government" shall mean the United States Government.

(i) "Local currency" shall mean the currency of the Cooperating Country.

(j) "Mission" shall mean the United States AID Mission to, or principal AID office in, the Cooperating Country.

(k) "Mission Director" shall mean the principal officer in the Mission in the Cooperating Country, or his/her designated representative.

(l) "Tour of duty" shall mean the Contractor's period of service under this Contract and shall include orientation in the United States (less language training), authorized leave, and international travel.

(m) "Traveler" shall mean the Contractor in authorized travel status.

(n) "Project Officer" shall mean the AID official to whom the Contractor reports, and who is responsible for monitoring the Contractor's performance.

(o) "U.S. Resident alien" as used in this contract shall mean an alien immigrant, legally resident in the United States, the Commonwealth of Puerto Rico, or the possessions of the United States, and having a valid "Alien Registration and Receipt Card" (Immigration and Naturalization Service forms I–151 or I–551).

2. Laws and Regulations Applicable Abroad (Dec. 1985)

(a) Conformity to Laws and Regulations of the Cooperating Country.

Contractor agrees that, while in the cooperating country, he/she shall abide by all applicable laws and regulations of the cooperating country and political subdivision thereof.

(b) Purchase or Sale of Personal Property or Automobiles.

To the extent permitted by the cooperating country, the purchase, sale, import, or export of personal property or automobiles in the cooperating country by the Contractor shall be subject to the same limitations and prohibitions which apply to Mission U.S.-citizen direct-hire employees.

(c) Code of Conduct.

The Contractor shall, during his/her tour of duty under this Contract, be

considered an "employee" (or if his/her tour of duty is for less than 130 days, a "special Government employee") for the purposes of, and shall be subject to, the provisions of 22 CFR 10, "Employee Responsibilities and Conduct" (Attachment 2C to Chapter 2 of AID Handbook 24). The Contractor acknowledges receipt of a copy of said provisions by his/her acceptance of this Contract.

3. Physical Fitness (Dec. 1985)

The Contractor shall be required to be examined by a licensed doctor of medicine, and the Contractor shall obtain from the doctor a certificate that, in the doctor's opinion, the Contractor is physically qualified to engage in the type of activity for which he/she is to be employed under the Contract and is physically qualified to reside in the cooperating in the cooperating country. A copy of the certificate shall be provided to the Contracting Officer prior to the Contractor's departure for the cooperating country, or if this Contract is entered into in the cooperating country, the Contractor shall provide the certificate before he/she starts work under the Contract. The Contractor shall be reimbursed not to exceed $100 for the cost of the physical examination, plus reimbursement of charges for immunizations if such costs are not covered by the Contractor's health insurance policy.

4. Workweek and Compensation (Pay Comparability Adjustments) (Dec. 1985)

(a) Workweek.

The Contractor's workweek shall not be less than 40 hours, unless otherwise provided in the Contract Schedule, and shall coincide with the workweek for those employees of the Mission or the cooperating country agency most closely associated with the work of this Contract. If the Contract is for less than full time (40 hours weekly), the annual and sick leave earned shall be prorated (see the General Provision of this Contract entitled Leave and Holidays).

(b) Compensation (Pay Comparability) Adjustments.

The Contractor's compensation shall be adjusted to reflect the pay comparability adjustments which are granted from time to time to U.S. direct-hire employees by Executive Order for the statutory pay systems. Any adjustments authorized shall not exceed that percentage stated in the Executive Order granting the adjustment. Further, the adjusted compensation may not exceed the maximum FS–1 annual compensation (or the equivalent daily rate).

5. Leave and Holidays (Dec. 1985)

(a) Vacation Leave.

(1) The Contractor shall earn vacation leave at the rate of 13 workdays per annum or 4 hours every 2 weeks. However, no vacation shall be earned if the tour of duty is less than 90 days.

(2) Notwithstanding paragraph (a)(1) of this provision, if the Contractor has had previous PSC service (i.e., has served under other personal services contracts (PSCs) covered by Sec. 636(a)(3) of the FAA), the Contractor shall earn vacation leave at the rate of either 6 hours every two weeks for cumulative PSC service exceeding 3 years or 8 hours every two weeks for cumulative PSC service exceeding 15 years. Former Civil Service, Foreign Service, or a Military Service experience is not creditable towards PSC service for annual leave purposes.

(3) It is understood that vacation leave is provided under this Contract primarily for the purposes of affording necessary rest and recreation during the tour of duty in the cooperating country. The Contractor in consultation with the AID Mission shall develop a vacation leave schedule early in his/her tour of duty taking into consideration project requirements, employee preference and other factors. All vacation leave earned by the Contractor must be used during the his/her tour of duty. All vacation leave earned by the Contractor but not taken by the end of the his/her tour of duty will be forfeited unless otherwise approved in writing by the Contracting Officer or Mission Director.

(b) Sick Leave.

Sick leave is earned at a rate not to exceed 13 work-days per annum or 4 hours every 2 weeks. Unused sick leave may be carried over under an extension of this Contract but the Contractor will not be compensated for unused sick leave at the completion of this Contract.

(c) Leave Without Pay.

Leave without pay may be granted only with the written approval of the Contracting Officer or Mission Director.

(d) Holidays.

The Contractor, while serving abroad, shall be entitled to all holidays granted by the Mission to U.S.-citizen direct-hire employees.

(e) Leave Records.

The Contractor shall maintain current leave records for himself/herself and make them available, as requested by the Mission Director or the Contracting Officer.

6. Differential and Allowances (Dec. 1985)

(a) The following differential and allowances will be granted to the Contractor to the same extent and on the same basis as they are granted to U.S.-citizen direct-hire employees at the Mission by the Standardized Regulations (Government Civilians, Foreign Areas), as from time to time amended, except as noted to the contrary below:

Applicable Reference to Standardized Regulations

(1) Post Differential—Chapter 500 and Tables in Chapter 900
(2) Living Quarters Allowance—Section 130
(3) Temporary Lodging Allowance—Section 120
(4) Post Allowance—Section 220
(5) Supplemental Post Allowance—Section 230
(6) Payments During Evacuation—Section 600

(i) Post differential.

Post differential is an additional compensation for service at places in foreign areas where conditions of environment differ substantially from conditions of environment in the continental United States and warrant additional compensation as a recruitment and retention incentive. In areas where post differential is paid to AID direct-hire employees, post differential not to exceed the percentage of salary as is provided such AID employees in accordance with the Standardized Regulations (Government Civilians, Foreign Areas) Chapter 500 (except the limitation contained in Section 552, "Ceiling on Payment") Tables-Chapter 900, as from time to time amended, will be reimbursable hereunder for employees in respect to amounts earned during the time such employees actually spend overseas on work under this contract. When such post differential is provided to the Contractor, it shall be payable beginning on the date of arrival at the post of assignment and continue, including periods away from post on official business, until the close of business on the day of departure from post of assignment en route to the United States. Sick or vacation leave taken at or away from the post of assignment will not interrupt the continuity of the assignment or require a discontinuance of such post differential payments, provided such leave is not taken within the United States or the territories of the United States. Post differential will not be payable while the employee is away from his/her post of assignment for purposes of home leave. Short-term employees shall be entitled to post differential beginning with the forty-third (43rd) day at post.

(ii) Living quarters allowance.

Living quarters allowance is an allowance granted to reimburse an employee for substantially all of his/her cost for either temporary or residence quarters whenever Government-owned or Government-rented quarters are not provided to him/her at his/her post without charge. Such costs are those incurred for temporary lodging (temporary lodging allowance) or one unit of residence quarters (living quarters allowance) and include rent, plus any cost not included therein for heat, light, fuel, gas, electricity and water. The temporary lodging allowance and the living quarters allowance are never both payable to an employee for the same period of time. The Contractor will receive living quarters allowance for payment of rent and utilities if such facilities are not supplied. Such allowance shall not exceed the amount paid AID employees of equivalent rank in the Cooperating Country, in accordance with either the Standardized Regulations (Government Civilians, Foreign Areas), Chapter 130, as from time to time amended, or other rates approved by the Mission Director. Subject to the written approval of the Mission Director, short-term employees may be paid per diem (in lieu of living quarters allowance) at rates prescribed by the Federal Travel Regulations, as from time to time amended, during the time such short-term employees spend at posts of duty in the Cooperating Country under this contract. In authorizing such per diem rates, the Mission Director shall consider the particular circumstances involved with respect to each such short-term employee including the extent to which meals and/or lodging may be made available without charge or at nominal cost by an agency of the United States Government or of the Cooperating Government, and similar factors.

(iii) Temporary lodging allowance.

Temporary lodging allowance is a quarters allowance granted to an employee for the reasonable cost of temporary quarters incurred by the employee and his/her family for a period not in excess of: (i) Three months after first arrival at a new post in a foreign area or a period ending with the occupation of residence (permanent) quarters, if earlier, and (ii) one (1) month immediately preceding final departure from the post subsequent to the necessary vacating of residence quarters. The Contractor will receive temporary lodging allowance for himself/herself and authorized dependents, in lieu of living quarters allowance, not to exceed the amount set forth in the Standardized Regulations (Government Civilians, Foreign Areas), Chapter 120, as from time to time amended.

(iv) Post allowance.

Post allowance is a cost-of-living allowance granted to an employee officially stationed at a post where the cost of living, exclusive of quarters cost, is substantially higher than in Washington, D.C. The Contractor will receive post allowance payments not to exceed those paid AID employees in the Cooperating Country, in accordance with the Standardized Regulations (Government Civilians, Foreign Areas), Chapter 220, as from time to time amended.

(v) Supplemental post allowance.

Supplemental post allowance is a form of post allowance granted to an employee at his/her post when it is determined that assistance is necessary to defray extraordinary subsistence costs. The Contractor will receive supplemental post allowance payments not to exceed the amount set forth in the Standardized Regulations (Government Civilians, Foreign Areas), Chapter 230, as from time to time amended.

(vi) Payments during evacuation.

The Standardized Regulations (Government Civilians, Foreign Areas) provide the authority for efficient, orderly, and equitable procedure for the payment of compensation, post differential and allowances in the event of an emergency evacuation of employees or their dependents, or both, from duty stations for military or other reasons or because of imminent danger to their lives. If evacuation has been authorized by the Mission Director, the Contractor will receive payments during evacuation for himself/herself and authorized dependents evacuated from their post of assignment in accordance with the Standardized Regulations (Government Civilians, Foreign Areas), Chapter 600, and the Federal Travel Regulations, as from time to time amended.

The allowances provided in paragraphs (a)(1) through (a)(6) of this provision shall be paid to the Contractor in dollars or in the currency of the cooperating country in accordance with the practice prevailing at the Mission, or the Mission Director may direct that the Contractor be paid a per diem in lieu thereof as prescribed by the Standardized Regulations (Government Civilians, Foreign Areas), as from time to time amended.

(b) The Contractor shall not be eligible for any allowance, differential, or other employment benefit that is not expressly authorized by AIDAR Appendix D.

7. Social Security and Federal Income Tax (Dec. 1985)

(a) Since the Contractor is an employee, F.I.C.A. contributions and U.S. Federal Income Tax withholding shall be deducted in accordance with regulations and rulings of the Social Security Administration and the U.S. Internal Revenue Service, respectively.

(b) As an employee, the Contractor is not eligible for the "foreign earned income" exclusion under the IRS regulations (see 26 CFR 1.911–3(c)(3)).

8. Advance of Dollar Funds (Dec. 1985)

If requested by the Contractor and authorized in writing by the Contracting Officer, AID will arrange for an advance of funds to defray the initial cost of travel, travel allowances, authorized precontract expenses, and shipment of personal property. The advance shall be granted on the same basis as to an AID U.S.-citizen direct-hire employee in accordance with AID Handbook 22, Chapter 4.

9. Insurance (Dec. 1985)

(a) Worker's Compensation Benefits.

The Contractor shall be provided worker's compensation benefits in accordance with the Federal Employees Compensation Act.

(b) Health and Life Insurance.

(1) The Contractor shall be provided a maximum contribution of up to 50% against the actual costs of the Contractor's annual health insurance costs, provided that such costs may not exceed the maximum U.S. Government contribution for direct-hire personnel as announced annually by the Office of Personnel Management.

(2) The Contractor shall be provided a contribution of up to 50% against the actual costs of annual life insurance not to exceed $500.00 per year.

(3) A Contractor who is a spouse of a current or retired Civil Service, Foreign Service, or Military Service member and who is covered by their spouse's Government health or life insurance policy is ineligible for the contribution under paragraphs (a)(1) or (a)(2) of this provision. Proof of insurance coverage shall be submitted to the Contracting Officer before any contribution is paid.

(c) Insurance on Private Automobiles.

If the Contractor or his/her dependents transport, or cause to be transported, privately owned automobile(s) to the cooperating country, or any of them purchase an automobile within the cooperating country, the Contractor agrees to ensure

that all such automobile(s) during such ownership within the cooperating country will be covered by a paid-up insurance policy issued by a reliable company providing the following minimum coverages, or such other minimum coverages as may be set by the Mission Director, payable in U.S. dollars or its equivalent in the currency of the cooperating country: injury to persons, $10,000/$20,000; property damage, $5,000. The Contractor further agrees to deliver, or cause to be delivered to the Mission Director, the insurance policies required by this clause or satisfactory proof of the existence thereof, before such automobile(s) is operated within the cooperating country. The premium costs for such insurance shall not be a reimbursable cost under this Contract.

(d) Claims for Private Personal Property Losses.

The Contractor shall be reimbursed for private personal property losses in accordance with AID Handbook 23, Chapter 10.

10. Travel and Transportation Expenses (Dec. 1985)

(a) General.

AID/Washington Office of Management Operations, or such other office as may be designated by that office, may furnish Transportation Requests (TR's) to the Contractor for transportation originating in the United States authorized by this Contract, and the executive or administrative officer at the Mission may furnish TR's for such authorized transportation which is payable in local currency or is to originate overseas. When transportation is not provided by the Government-issued TR, the Contractor shall procure his/her own transportation, the costs of which will be reimbursed in accordance with the following.

(b) Travel and Transportation.

(1) U.S. Travel and Transportation.

The Contractor shall be reimbursed for actual transportation costs and travel allowances in the United States as authorized in the Contract Schedule or approved in advance by the Contracting Officer or the Mission Director. Transportation costs and travel allowances shall not be reimbursed in any amount greater than the cost of, and time required for, economy-class commercially scheduled air travel by the most expeditious route except as otherwise provided in paragraph (b)(2)(vi) of this provision unless economy air travel is not available and the Contractor certifies to this in his/her voucher or other documents submitted for reimbursement.

(2) International Travel.

(i) The Contractor shall be reimbursed for actual transportation costs and travel allowances from place of residence in the United States (or other location, provided that the cost of such travel does not exceed the cost of travel from the place of residence) to post of duty in the cooperating country and return to place of residence in the United States (or other location, provided that the cost of such travel does not exceed the cost of travel from the post of duty to the place of residence) upon completion of his/her duties. Such transportation costs shall not be reimbursed in an amount greater than economy-class commercially scheduled air travel by the most expeditious route, except as otherwise provided in paragraph (b)(2)(vi) of this provision, unless economy air travel or economy air space are not available and the Contractor certifies to the facts in the voucher or other document he/she submits for reimbursement. When travel to or from the cooperating country is by economy-class accommodations, the Contractor will be reimbursed for the cost of transporting up to 44 pounds gross weight of accompanied personal baggage in addition to that regularly allowed with the economy ticket, provided that the total number of pounds of baggage does not exceed that regularly allowed for first-class travelers. Travel allowances shall be at the rate of $6 per day for not more than the travel time required by scheduled economy-class commercial air carrier using the most expeditious route and computed in accordance with the Federal Travel Regulations, as from time to time amended. One stopover en route for a period not to exceed 24 hours is allowable when the Contractor uses economy-class accommodations for a trip of 14 hours or more of scheduled duration. Such stopover shall not be authorized when travel is by indirect route for the convenience of the Contractor. Per diem during authorized stopover shall be paid in accordance with the Federal Travel Regulations, as from time to time amended.

(ii) Unaccompanied Baggage.

Except as provided in the Contract Schedule or approved by the Contracting Officer, the Contractor who is on a tour of duty of 90 days or more under this Contract shall be reimbursed for the cost of unaccompanied personal effects not to exceed 250 pounds gross weight via airfreight from place of residence in the United States (or other location, provided that the cost of such shipment does not exceed the cost of shipment from the place of residence) to post of duty in the cooperating country and return to place of residence in the United States (or other location, provided that the cost of such shipment does not exceed the cost of shipment from the post of duty to the place of residence) upon completion of duties.

(iii) Local Travel.

The Contractor shall be reimbursed at the rates established by the Mission Director for authorized travel in the cooperating country in connection with duties directly referable to work under this Contract. In the absence of such established rates, the Contractor shall be reimbursed for actual costs of authorized travel in the cooperating country if not provided by the cooperating government or the Mission in connection with duties directly referable to work hereunder, including travel allowances at rates precribed by the Standardized Regulations (Government Civilians, Foreign Areas), as from time to time amended.

(iv) Special International Travel and Third-Country Travel.

For special travel which (A) advances the purpose of the Contract, (B) is not otherwise provided by the cooperating government; and (C) has the prior written approval of the Contracting Officer or the Mission Director, the Contractor shall be reimbursed for (*1*) the cost of international transportation other than between the United States and the cooperating country and for local transportation within other countries, and (*2*) travel allowances while in official travel status and while performing services under the Contract in such other countries at rates prescribed by the Standardized Regulations (Government Civilians, Foreign Areas), as from time to time amended.

(v) Indirect Travel for Personal Convenience.

(A) When travel is performed by an indirect route for the personal convenience of the traveler, the allowable costs of such travel will be computed on the basis of the cost of economy class air fare via the direct usually traveled route between the authorized points of departure and destination.

(B) If such costs include fares for air or ocean transportation by foreign-flag carriers, approval for indirect travel by such foreign-flag carrier must be obtained from the Contracting Officer or Mission Director, *before* such travel is undertaken, otherwise only that portion of travel accomplished by U.S.-flag carriers will be reimbursable under this contract.

(vi) Delays En Route.

The Contractor may be granted reasonable delays en route, provided that such delays are caused by events beyond the control of the Contractor and are not due to circuitous routing. It is understood that if the delay is caused by physical incapacitation, the Contractor shall be eligible for such sick leave as is provided under paragraph (b) of the General Provision of this Contract entitled Leave and Holidays.

(vii) Privately Owned Automobiles (POV).

(A) If travel by POV is authorized in the Contract Schedule or approved by the Contracting Officer, the Contractor shall be reinbursed for the cost of travel in his/her privately owned automobile at the rate per mile equal to the rate authorized a U.S. Government employee in equivalent circumstances, plus authorized per diem, if the automobile is being driven in connection with: (1) Authorized orientation, (2) authorized duties under this Contract, or (3) en route to or from the cooperating country provided that the total cost of the mileage and the per diem to the Contractor shall not exceed the total constructive cost of fare and normal per diem by (i) surface common carrier or (ii) economy class air, whichever is the lesser.

(B) Cost of the shipment of automobiles for Contract tours of duty of less than 1 year is not reimbursable under this Contract.

(viii) Emergency and Irregular Travel and Transportation.

Actual transportation costs and travel allowances while en foute, as provided in this section, shall be reimbursed under the following conditions:

(A) Subject to the prior written approval of the Mission Director, the costs of going from post of duty in the cooperating country to the United States or other approved location for the Contractor when, because of reasons or conditions beyond his/her control, the Contractor has not completed his/her required service in the cooperating country. The Mission Director may also authorize the return to the cooperating country of such Contractor.

(B) It is agreed that paragraph (b)(2)(viii)(A) of this provision includes, but is not necessarily limited to, the following:

(*1*) Need for medical care beyond that available within the areas to which the Contractor is assigned, or serious effect on physical or metal health if residence is continued at assigned post of duty, subject in either case, to the limitations stated in the provision of this contract entitled "Physical Fitness." The Mission Director may authorize a medical attendant to accompany the employee at contract expense if, based on medical opinion, such an attendant is necessary.

(*2*) Serious illness, injury, or death of a member of the Contractor's immediate family. Travel shall be authorized in accordance with emergency visitation travel granted to U.S.-citizen direct-hire employees.

(*3*) Emergency evacuation when ordered by the principal U.S. Diplomatic Officer in the cooperating country. Allowances at safe haven when authorized by the Mission Director, shall be payable in accordance with established Government Regulations.

(*4*) Preparation and return of the remains of a deceased Contractor.

11. Preference for U.S.-Flag Air Carriers (Apr. 1984) (FAR 52.247–63)

(a) "International air transportation," as used in this clause, means transportation by air between a place in the United States and a place outside the United States or between two places both of which are outside the United States.

"United States," as used in this clause, means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and possessions of the United States.

"U.S.-flag air carrier," as used in this clause, means an air carrier holding a certificate under Section 401 of the Federal Aviation Act of 1958 (49 U.S.C. 1371).

(b) Section 5 of the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 1517) (Fly America Act) requires that all Federal agencies and Government contractors and subcontractors use U.S.-flag carriers for U.S. Government-financed international air transportation of personnel (and their personal effects) or property, to the extent that service by those carriers is available. It requires the Comptroller General of the United States, in the absence of satisfactory proof of the necessity for foreign-flag air transportation, to disallow expenditures from funds, appropriated or otherwise established for the account of the United States, for international air transportation secured aboard a foreign-flag air carrier if a U.S.-flag air carrier is available to provide such services.

(c) The Contractor agrees, in performing work under this contract, to use U.S.-flag air carriers for international air transportation of personnel (and their personal effects) or property to the extent that service by those carriers is available.

(d) In the event that the Contractor selects a carrier other than a U.S.-flag air carrier for international air transportation, the Contractor shall include a certification on vouchers involving such transportation essentially as follows:

Certification of Unavailability of U.S.-Flag Air Carriers

I hereby certify that international air transportation of persons (and their personal effects) or property by U.S.-flag air carrier was not available or it was necessary to use foreign-flag air carrier service for the following reasons (see section 47.403 of the Federal Acquisition Regulation) (State reasons—see Note):

(End of certification)

(e) The Contractor shall include the substance of this clause, including this paragraph (e), in each subcontract or purchase under this contract that may involve international air transportation.

Note.—Availability and unavailability of U.S.-flag air carrier service. (FAR 47.403–1)

(a) If a U.S.-flag air carrier cannot provide the international air transportation needed or if the use of U.S.-flag air carrier service would not accomplish an agency's mission, foreign-flag air carrier service may be deemed necessary.

(b) U.S.-flag air carrier service is considered available even though:

(1) Comparable or a different kind of service can be provided at less cost by a foreign-flag air carrier;

(2) Foreign-flag air carrier service is preferred by, or is more convenient for, the agency or traveler; or

(3) Service by a foreign-flag air carrier can be paid for in excess foreign currency (unless U.S.-flag air carriers decline to accept excess or near excess foreign currencies for transportation payable only out of such monies).

(c) Except as provided in paragraph 47.403–1(a), U.S.-flag air carrier service shall be used for U.S. Government-financed commercial foreign air travel if service provided by U.S.-flag air carriers is available. In determining availability of a U.S.-flag air carrier, the following scheduling principles shall be followed unless their application would result in the last or first leg of travel to or from the United States being performed by a foreign-flag air carrier:

(1) U.S.-flag air carrier service available at point of origin shall be used to destination or, in the absence of direct or through service, to the farthest interchange point on a usually traveled route.

(2) When an origin or interchange point is not served by a U.S.-flag air carrier, foreign-flag air carrier service shall be used only to the nearest interchange point on a usually traveled

route to connect with U.S.-flag air carrier service.

(3) When a U.S.-flag air carrier involuntarily reroutes the traveler via a foreign-flag air carrier, the foreign-flag air carrier may be used notwithstanding the availability of alternative U.S.-flag air carrier service.

(d) For travel between a gateway airport in the United States and a gateway airport abroad, passenger service by U.S.-flag air carrier shall not be considered available it:

(1) The gateway airport abroad is the traveler's origin or destination airport and the use of U.S.-flag air carrier service would extend the time in a travel status, including delay at origin and accelerated arrival at destination, by at least 24 hours more than travel by a foreign-flag air carrier; or

(2) The gateway airport abroad is an interchange point and the use of U.S.-flag air carrier service would require the traveler to wait 6 hours or more to make connections at that point, or if delayed departure from, or accelerated arrival at, the gateway airport in the United States would extend time in a travel status by at least 6 hours more than travel by a foreign-flag air carrier.

(e) For travel between two points outside the United States, the rules in paragraphs 47.403–1(a), (b), and (c) shall be applicable, but passenger service by a U.S.-flag air carrier shall not be considered to be reasonably available if:

(1) Travel by a foreign-flag air carrier would eliminate two or more aircraft changes en route;

(2) One of the two points abroad is the gateway airport en route to or from the United States and the use of a U.S.-flag air carrier would extend the time in a travel status by at least 6 hours more than travel by a foreign-flag air carrier, including accelerated arrival at the overseas destination or delayed departure from the overseas origin, as well as delay at the gateway airport or other interchange point abroad; or

(3) The travel is not part of the trip to or from the United States and use of a U.S.-flag air carrier would extend the time in a travel status by a least 6 hours more than travel by a foreign-flag air carrier including the delay at origin, delay en route, and accelerated arrival at destination.

(f) For all short-distance travel under either paragraph (d) or paragraph (e) of 47.403–1 U.S. air carrier service shall not be considered available when the elapsed traveltime on a scheduled flight from origin to destination airport by foreign-flag air carrier is 3 hours or less and service by a U.S.-flag air carrier would involve twice such traveltime.

12. Payment (Dec. 1985)

(a) Once each month (or at more frequent intervals, if approved by the paying office indicated on the Cover Page), the Contractor may submit to such office form SF 1034 Public Voucher for Purchases and Services Other Than Personal (original) and SF 1034–A (three copies), each voucher identified by the AID contract number properly executed in the amount of dollars claimed during the period covered. The voucher forms shall be supported by:

(1) The Contractor's detailed invoice, in original and two copies, indicating for each amount claimed the paragraph of the Contract under which payment is to be made, supported when applicable as follows:

(i) For compensation—a statement showing period covered, days worked, and days when Contractor was in authorized travel, leave, or stopover status for which compensation is claimed. All claims for compensation will be accompanied by, or will incorporate, a certification signed by the Project Officer covering days or hours worked, or authorized travel or leave time for which compensation is claimed.

(ii) For travel and transportation—a statement of itinerary with attached carrier's receipt and/or passenger's coupons, as appropriate.

(iii) For reimbursable expenses—an itemized statement supported by original receipts.

(2) The first voucher submitted shall include a fully executed Form W–4, Employees Withholding Exemption Certificate, to permit required withholding by AID, such as Federal Income Tax, F.I.C.A. deductions, and when applicable, state income tax. The first voucher shall also account for, and liquidate the unexpended balance of, any funds advanced to the Contractor.

(b) A final voucher shall be submitted by the Contractor promptly following completion of the duties under this Contract but in no event later than 120 days (or such longer period as the Contracting Officer may in his/her discretion approve in writing) from the date of such completion. The Contractor's claim, which includes his/her final settlement of compensation, shall not be paid until after the performance of the duties required under the terms of this Contract has been approved by AID. On receipt and approval of the voucher designated by the Contractor as the "final voucher" submitted on form SF 1034 (original) and SF 1034–A (three copies), together with a refund check for the balance remaining on hand of any funds which may have been advanced to the Contractor, the Government shall pay any amounts due and owing the Contractor.

Interest on Overdue Payments

(a) The Prompt Payment Act, Public Law 97–177 (96 Stat. 85.31; U.S.C. 1801) is applicable to payments under this contract and requires the payment to the contractor of interest on overdue payments and improperly taken discounts.

(b) Determinations of interest due will be made in accordance with the provisions of the Prompt Payment Act and Office of Management and Budget Circular A–125.

Payment Due Dates

(a) Unless otherwise specifically provided in this contract, payments under this contract will be due as follows:

(1) When the designated paying office identified in the contract or purchase order is located in the U.S.: 30 calendar days after the date of actual receipt of a proper invoice in the designated paying office or 30 days after a designated AID official or authorized representative accepts the property or services, whichever is later.

(2) When the designated paying office identified in the contract or purchase order is at a foreign location: 45 calendar days after the date of actual receipt of a proper invoice in the designated paying office or 45 days after a designated AID official or authorized representative accepted the property or services, whichever is later.

13. Conversion of U.S. Dollars to Local Currency (Dec. 1985)

Upon arrival in the Cooperating Country, and form time to time as appropriate, the Contractor shall consult with the Mission Director or his/her authorized representative who shall provide, in writing, the policy the Contractor shall follow in the conversion of U.S. dollars to local currency.

This may include, but not be limited to the conversion of said currency through the cognizant U.S. Disbursing Officer, or Mission Controller, as appropriate.

14. Post of Assignment Privileges (Dec. 1985)

(a) Health room services of the same type that are normally provided to AID direct-hire U.S. citizen employees shall be available for U.S. citizen contractors and their authorized dependents (regardless of citizenship) at the post of duty. These services do not include hospitalization, or predeparture or end of tour medical examinations. The

services do not include such medications as may be available, immunizations and preventive health measures, diagnostic examinations and advice, emergency treatment, and home visits as medically indicated.

(b) Privileges such as the use of APO, PX's, commissaries and officer's clubs are established at posts abroad under agreements between the U.S. and host governments. These facilities are intended for and usually limited to members of the official U.S. establishment including the Embassy, AID Mission, U.S. Information Service and the Military. Normally, the agreements do not permit these facilities to be made available to non-official Americans.

15. Security Requirements (Dec. 1985)

(a) This entire provision shall apply to the extent that this Contract involves access to classified information ("Confidential", "Secret", or "Top Secret") or access to administratively controlled information ("Limited Official Use"). Contractors that are not U.S. citizens shall not have access to classified or administratively controlled information.

(b) The Contractor: (1) Shall be responsible for safeguarding all classified or administratively controlled information in accordance with appropriate instructions furnished by AID Office of Security (IG/SEC), as referenced in paragraph (d) of this provision and shall not supply, disclose, or otherwise permit access to classified information or administratively controlled information to any unauthorized person; (2) shall not make or permit to be made any reproductions of classified information or administratively controlled information except with the prior written authorization of the Contracting Officer or Mission Director; (3) shall submit to the Contracting Officer, at such times as the Contracting Officer may direct, an accounting of all reproductions of classified or administratively controlled information; and (4) shall not incorporate in any other project any matter which will disclose classified and/or administratively controlled information except with the prior written authorization of the Contracting Officer.

(c) The Contractor shall not permit any alien access to classified or administratively controlled information. The Contractor shall not permit any individual to have access to classified information or administratively controlled information without the prior written authorization of the Contracting Officer or Mission Director.

(d) The Contractor shall follow the procedures for classifying, marking, handling, transmitting, disseminating, storing, and destroying official material in accordance with the regulations in the Foreign Affairs Manual, Chapter 5 (5 FAM 900), a copy of which will be furnished by the Contracting Officer or Mission Director.

(e) The Contractor agrees to submit immediately to the Mission Director or Contracting Officer a complete detailed report, appropriately classified, of any information which the Contractor may have concerning existing or threatened espionage, sabotage, or subversive activity.

(f) The Government agrees that, when necessary, it shall indicate by security classification or administratively controlled designation, the degree of importance to the national defense of information to be furnished by the Contractor to the Government or by the Government to the Contractor, and the Government shall give written notice of such security classification or administratively controlled designation to the Contractor and of any subsequent changes thereof. The Contractor is authorized to rely on any letter or other written instrument signed by the Contracting Officer changing a security classification or administratively controlled designation of information.

(g) The Contractor agrees to certify after completion of his/her assignment under this Contract that he/she has surrendered or disposed of all classified and/or administratively controlled information in his/her custody in accordance with applicable security instructions.

16. Contractor-Mission Relationships (Dec. 1985)

(a) The Contractor acknowledges that this Contract is an important part of the U.S. Foreign Assistance Program and agrees that his/her duties will be carried out in such a manner as to be fully commensurate with the responsibilities which this entails.

(b) While in the cooperating country, the Contractor is expected to show respect for the conventions, customs, and institutions of the cooperating country and not interfere in its political affairs.

(c) If the Contractor's conduct is not in accordance with paragraph (b) of this provision, the Contract may be terminated under General Provision 17 of this contract. The Contractor recognizes the right of the U.S. Ambassador to direct his/her immediate removal from any country when, in the discretion of the Ambassador, the interests of the United States so require.

(d) The Mission Director is the chief representative of AID in the cooperating country. In this capacity, he/she is responsible for the total AID Program in the cooperating country including certain administrative responsibilities set forth in this Contract and for advising AID regarding the performance of the work under the Contract and its effect on the U.S. Foreign Assistance Program. The Contractor will be responsible for performing his/her duties in accordance with the statement of duties called for by the Contract. However, he/she shall be under the general policy guidance of the Mission Director, and shall keep the Mission Director or his/her designated representative currently informed of the progress of the work under this Contract.

17. Termination (Apr. 1985) (FAR 52.249–12)

The Government may terminate this contract at any time upon at least 15 days' written notice by the Contracting Officer to the Contractor. The Contractor, with the written consent of the Contracting Officer, may terminate this contract upon at least 15 days' written notice to the Contracting Officer.

18. Disputes (Apr. 1984) (FAR 52.233–1 [Alternate I]

(a) This contract is subject to the Contract Disputes Act of 1978 (41 U.S.C. 601–613) (the Act).

(b) Except as provided in the Act, all disputes arising under or relating to this contract shall be resolved under this clause.

(c) "Claim," as used in this clause, means a written demand or written assertion by one of contracting parties seeking, as a matter of right, the payment of money in a sum certain, the adjustment or interpretation of contract terms, or other relief arising under or relating to his/her contract. A claim arising under a contract, unlike a claim relating to that contract, is a claim that can be resolved under a contract clause that provides for the relief sought by the claimant. However, a written demand or written assertion by the Contractor seeking the payment of money exceeding $50,000 is not a claim under the Act until certified as required by subparagraph (d)(2) below. A voucher, invoice, or other routine request for payment that is not in dispute when submitted is not a claim under the Act. The submission may be converted to a claim under the Act, by complying with the submission and certification requirements of this clause, if it is disputed either as to liability or amount

or is not acted upon in a reasonable time.

(d)(1) A claim by the Contractor shall be made in writing and submitted to the Contracting Officer for a written decision. A claim by the Government against the Contractor shall be subject to a written decision by the Contracting Officer.

(2) For Contractor claims exceeding $50,000, the Contractor shall submit with the claim a certification that:

(i) The claim is made in good faith;

(ii) Supporting data are accurate and complete to the best of the Contractor's knowledge and belief; and

(iii) The amount requested accurately reflects the contract adjustment for which the Contractor believes the Government is liable.

(3)(i) If the Contractor is an individual, the certification shall be executed by that individual.

(ii) If the Contractor is not an individual, the certification shall be executed by:

(A) A senior company official in charge at the Contractor's plant or location involved; or

(B) An officer or general partner of the Contractor having overall responsibility for the conduct of the Contractor's affairs.

(e) For Contractor claims of $50,000 or less, the Contracting Officer must, if requested in writing by the Contractor, render a decision within 60 days of the request. For Contractor-certified claims over $50,000, the Contracting Officer must, within 60 days, decide the claim or notify the Contractor of the date by which the decision will be made.

(f) The Contracting Officer's decision shall be final unless the Contractor appeals or files a suit as provided in the Act.

(g) the Government shall pay interest on the amount found due and unpaid from: (1) The date the Contracting Officer receives the claim (properly certified if required), or (2) the date payment otherwise would be due, if that date is later, until the date of payment. Simple interest on claims shall be paid at the rate, fixed by the Secretary of the Treasury as provided in the Act, which is applicable to the period during which the Contracting Officer receives the claim and then at the rate applicable for each 6-month period as fixed by the Treasury Secretary during the pendency of the claim.

(h) The Contractor shall proceed diligently with performance of this contract, pending final resolution of any request for relief, claim, appeal, or action arising under or relating to the Contract, and comply with any decision of the Contracting Officer.

19. Release of Information (Dec. 1985)

All rights in data and reports shall become the property of the U.S. Government. All information gathered under this Contract by the Contractor and all reports and recommendations hereunder shall be treated as confidential by the Contractor and shall not, without prior written approval of the Contracting Officer, be made available to any person, party, or government, other than AID, except as otherwise expressly provided in this Contract.

20. Officials Not To Benefit (Apr. 1984)

No member of or delegate to the Congress or resident commissioner shall be admitted to any share or part of this Contract or to any benefit that may arise therefrom.

21. Covenant Against Contingent Fees (Apr. 1984) (FAR 52.203–5)

(a) The Contractor warrants that no person or agency has been employed or retained to solicit or obtain this contract upon an agreement or understanding for a contingent fee, except a bona fide employee or agency. For breach or violation of this warranty, the Government shall have the right to annul this contract without liability or, in its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of the contingent fee.

(b) "Bona fide agency," as used in this clause, means an established commercial or selling agency, maintained by a contractor for the purpose of securing business, that neither exerts nor proposes to exert improper influence to solicit or obtain Government contracts nor holds itself out as being able to obtain any Government contract or contracts through improper influence.

"Bona fide employee," as used in this clause, means a person, employed by a contractor and subject to the contractor's supervision and control as to time, place, and manner of performance, who neither exerts nor proposes to exert improper influence to solicit or obtain Government contracts nor holds out as being able to obtain any Government contract or contracts through improper influence.

"Contingent fee," as used in this clause, means any commission, percentage, brokerage, or other fee that is contingent upon the success that a person or concern has in securing a Government contract.

"Improper influence," as used in this clause, means any influence that induces or tends to induce a Government employee or officer to give consideration or to act regarding a Government contract on any basis other than the merits of the matter.

22. Notices (Dec. 1985)

Any notice, given by any of the parties hereunder, shall be sufficient only if in writing and delivered in person or sent by telegraph, telegram, registered, or regular mail as follows:

To AID: Administrator, Agency for International Development, Washington, D.C. 20523.

Attention: Contracting Officer (name of the cognizant Contracting Officer with a copy to the appropriate Mission Director).

To Contractor:

At his/her post of duty while in the cooperating country and at the Contractor's address shown on the Cover Page of this Contract or to such other address as either of such parties shall designate by notice given as herein required. Notices hereunder shall be effective in accordance with this clause or on the effective date of the notice, whichever is later.

23. Reports (Dec. 1985)

(a) The Contractor shall prepare and submit three copies of each technical report required by the schedule (e.g., progress reports, final report, etc.) to the Development Information Utilization Service, Bureau for Program and Policy Coordination (PPC/DIU), Agency for International Development, Washington, D.C. 20523. The title page of all reports forwarded shall include the contract number, the project number and the project title which are set forth on the Cover Page of this Contract.

(b) When preparing reports, the Contractor shall refrain from using elaborate art work, multicolor printing and expensive paper/binding, unless it is specifically authorized in the Contract Schedule. Wherever possible, pages should be printed on both sides using single spaced type.

24. Use of Pouch Facilities (Dec. 1985)

(a) Use of diplomatic pouch is controlled by the Department of State. The Department of State has authorized the use of pouch facilities for AID Contractors as a general policy, as detailed in paragraph (a)(1) through (a)(6) of this provision. However, the final decision regrading use of pouch facilities rests with the Embassy or AID Mission. In consideration of the use of pouch facilities as hereinafter stated, the Contractor agrees to indemnify and hold

harmless the Department of State and AID for loss or damage occurring in pouch transmission.

(1) Contractors are authorized use of the pouch for transmission and receipt of up to a maximum of 2 pounds per shipment of correspondence and documents needed in the administration of foreign assistance programs.

(2) U.S. citizen or U.S. resident alien Contractors are authorized use of the pouch for personal mail up to a maximum of one pound per shipment (but see (a)(3) below). Non-U.S. citizen Contractors are not permitted use of the pouch for personal mail except to the extent that such use may be authorized by the Chief of Mission.

(3) Merchandise, parcels, magazines, or newspapers are not considered to be personal mail for purposes of this clause, and are not authorized to be sent or received by pouch.

(4) Official and personal mail under paragraphs (a)(1) and (2) of this provision, sent by pouch, should be addressed as follows:

Name of individual (followed by letter symbol "C")
Name of post (USAID/), Agency for International Development, Washington, D.C. 20523.

(5) Mail sent via the diplomatic pouch may not be in violation of U.S. Postal laws and may not contain material ineligible for pouch transmission.

(6) AID Contractors are not authorized use of military postal facilities (APO/FPO). This is an Adjutant General's decision based on existing laws and regulations governing military postal facilities and is being enforced worldwide. Posts having access to APO/FPO facilities and using such for diplomatic pouch dispatch may, however, accept official and personal mail for the pouch provided, of course, adequate postage is affixed when onward transmission (mail to other than AID/W) through U.S. postal channels is required.

(b) The Contractor shall be responsible for compliance with these guidelines and limitations on use of pouch facilities.

(c) Specific additional guidance on use of pouch facilities in accordance with this clause is available from the Post Communication Center at the Embassy or AID Mission.

Section 12. Additional General Provisions

Contract With a U.S. Citizen or a U.S. Alien Resident for Personal Services Abroad

The following clauses are to be used along with the General Provisions (Section 11) for a tour of duty of 1 year or more.

Table of Contents

26. Definitions (Long Tour) (Dec. 1985)

(a) "Dependents" means:

(1) Spouse.

(2) Children (including step and adopted children) who are unmarried and under 21 years of age, or regardless of age, are incapable of self-support.

(3) Parents (including step and legally adoptive parents) of the employee or of the spouse, when such parents are least 51 percent dependent on the Contractor for support.

(4) Sisters and brothers (including step or adoptive sisters or brothers) of the Contractor, or of the spouse, when such sisters and brothers are at least 51 percent dependent on the Contractor for support, unmarried and under 21 years of age, or regardless of age, are incapable of self-support.

(b) "Traveler" also means dependents of the Contractor who are in authorized travel status.

27. Laws and Regulations Applicable Abroad (Dependents) (Dec. 1985)

(a) Conformity to Laws and Regulations of the Cooperating Country.

While in the cooperating country, the Contractor agrees he/she will make every effort to assure that his/her authorized dependents shall abide by all applicable laws and regulations of the cooperating country and political subdivisions thereof.

(b) Purchase, Sale, Import, or Export of Personal Property or Automobiles.

To the extent permitted by the cooperating country, the purchase, sale, import, or export of personal property or automobiles by the Contractor's authorized dependents in the cooperating country shall also be subject to the same limitations and prohibitions which apply to U.S.-citizen direct-hire employee dependents.

28. Physical Fitness (Long Tour) (Dec. 1985)

(a) Predeparture.

The Contractor's authorized dependents shall also be required to be examined by a licensed doctor of medicine. The Contractor shall require the doctor to certify that, in the doctor's opinion, the Contractor's authorized dependents are physically qualified to reside in the cooperating country. A copy of the certificate shall be provided to the Contracting Officer prior to the dependent's departure for the cooperating country.

(b) End of Tour.

The Contractor and his/her authorized dependents are authorized physical examinations within 60 days after completion of the Contractor's tour of duty.

(c) Reimbursement.

The Contractor shall be reimbursed for the physical examinations mentioned in paragraphs (a) and (b) above as follows: (1) Not to exceed $100 per examination for the Contractor's dependents of 12 years of age and over and (2) $40 per examination for Contractor's dependents under 12 years of age. The Contractor shall also be reimbursed for the cost of immunizations.

29. Leave and Holidays (Long Tour) Dec. 1985)

(a) Vacation Leave.

(1) With the approval of the Mission Director, and if the circumstances warrant, a Contractor may be granted advance vacation leave in excess of that earned, but in no case shall a Contractor be granted advance vacation leave in excess of that which he/she will earn over the life of the Contract. The Contractor agrees to reimburse AID for leave used in excess of the amount earned during the Contractor's assignment under the Contract.

(2) Leave taken during the concluding weeks of an employee's tour shall be included in the established leave schedule and be limited to that amount of leave which can be earned during a twelve month period unless approved in accordance with paragraph (a)(3) of this clause.

(3) Vacation leave earned but not taken by the end of the employee's tour pursuant to paragraphs (a)(1) and (2) of this clause will be forfeited, unless the requirements of the project precluded the employee from taking such leave

and the Contracting Officer, with the endorsement of the Mission, approves one of the following as a alternative:

(i) Taking, during the concluding weeks of the employee's tour, leave not permitted under (a)(2) of this clause, or

(ii) Lump-sum payment for leave not taken provided such leave does not exceed the number of days which can be earned by the employee during a twelve month period.

(b) Military Leave.

Military leave of not more than 15 calendar days in any calendar year may be granted to a Contractor who is a reservist of the Armed Forces, provided that such military leave has been approved in advance by the Contracting Officer or the Mission Director. A copy of any such approval shall be provided to the Contracting Officer.

(c) Home Leave.

(1) Home leave is leave earned for service abroad for use only in the United States, in the Commonwealth of Puerto Rico, or in the possessions of the United States.

(2) A Contractor who is a U.S. citizen or U.S. resident alien and has served at least 2 years overseas, as defined in paragraph (c)(4) below, under this Contract, and has not taken more than 30 workdays leave (vacation, sick, or leave without pay) in the United States, may be granted home leave of not more than 15 calendar days for each such year of service overseas; provided, that the Contractor agrees to return overseas upon completion of home leave under an additional 2 year appointment, or for such shorter period of not less than 1 year of overseas service under the Contract as the Mission Director may approve in advance. Home leave must be taken in the United States, the Commonwealth of Puerto Rico, or the possessions of the United States, and any days spent elsewhere will be charged to vacation leave or leave without pay.

(3) Notwithstanding the requirement in paragraph (c)(2) above, that the Contractor must have served 2 years overseas under this Contract to be eligible for home leave, the Contractor may be granted advance home leave subject to all of the following conditions:

(i) Granting of advance home leave would in each case serve to advance the attainment of the objectives of this Contract;

(ii) The Contractor shall have served a minimum of 18 months in the cooperating country on his/her current tour of duty under this Contract; and

(iii) The Contractor shall have agreed to return to the cooperating country to serve out the remainder of his/her current tour of duty and an additional 2 year appointment under this Contract, or such other additional appointment of not less than 1 year of overseas service as the Mission Director may approve.

(4) The period of service overseas required under paragraph (c)(2), or paragraph (c)(3) above, shall include the actual days in orientation in the United States (less language training) and the actual days overseas beginning on the date of departure from the U.S. port of embarkation on international travel and continuing, inclusive of authorized delays en route, to the date of arrival at the U.S. port of debarkation from international travel. Allowable vacation and sick leave taken while overseas, but not leave without pay, shall be included in the required period of service overseas. An amount equal to the number of days of vacation and sick leave taken in the United States, the Commonwealth of Puerto Rico, or the possessions of the United States will be added to the required period of service overseas.

(5) Salary during travel to and from the United States for home leave will be limited to the time required for travel by the most expeditious air route. The Contractor will be responsible for reimbursing AID for payments made during home leave if, in spite of the undertaking of the new appointment, the Contractor, except for reasons beyond his/her control as determined by the Contracting Officer, does not return overseas and complete the additional required service. Unused home leave is not reimbursable under this Contract.

(6) To the extent deemed necessary by the Contracting Officer, a Contractor in the United States on home leave may be authorized to spend not more than 5 days in work status for consultation at AID/Washington before returning to post of duty. Consultation at locations other than AID/Washington as well as any time in excess of 5 days spent for consultation, must be approved by the Mission Director or the Contracting Officer.

30. Differential and Allowances (Long Tour) (Dec. 1985)

The following allowances shall also be granted to the Contractor and his/her authorized dependents to the same extent, and on the same basis as, they are granted to AID employees and their dependents by the Standardized Regulations (Government Civilians, Foreign Areas) as from time to time amended:

	Applicable reference to standardized regulations (chapter)
Educational Allowance	270
Educational Travel	280
Separate Maintenance Allowances	260
Danger Pay Allowance	650

(a) Educational Allowance. Educational allowance is an allowance to assist the Contractor in meeting the extraordinary and necessary expenses, not otherwise compensated for, incurred by reason of his/her service in a foreign area in providing adequate elementary and secondary education for his/her children. The Contractor will receive educational allowances payments for his/her dependent children in amounts not to exceed those set forth in (Standardized Regulations Government Civilians, Foreign Areas), Chapter 270, as from time to time amended.

(b) Educational travel. Educational travel is travel to and from a school in the United States for secondary education (in lieu of an educational allowance) and for college education. The Contractor will receive educational travel payments for his/her dependent children provided such payment does not exceed that which would be payable in accordance with the Standardized Regulations (Government Civilians, Foreign Areas), Chapter 280, as from time to time amended. Educational travel shall not be authorized for Contractors whose assignment is less than two years.

(c) Separate maintenance allowance. Separate maintenance allowance is an allowance to assist an employee who is compelled by reason of dangerous, notably unhealthful, or excessively adverse living conditions at his/her post of assignment in a foreign area, or for the convenience of the Government, to meet the additional expense of maintaining his/her dependents elsewhere than at such post. The Contractor will receive separate maintenance allowance payments not to exceed that made to AID employees in accordance with the Standardized Regulations (Government Civilians, Foreign Areas), Chapter 260, as from time to time amended.

(d) Danger pay allowance. Danger pay allowance is an allowance to provide additional compensation above basic compensation to employees in foreign areas where there exist conditions of civil insurrection, civil war, terrorism or wartime conditions which threaten physical harm or imminent danger to the health or well-being of an employee. The danger pay allowance is in lieu of that

part of the hardship post differential rate at a post which is attributable to political violence. Consequently, the rate of post differential may be reduced while danger pay is in effect to avoid dual crediting for political violence. The contractor shall be allowed danger pay allowance not to exceed that paid AID employees in the cooperating country, in accordance with the Standardized Regulations (Government Civilians, Foreign Areas), Chapter 650, as from time to time amended.

The allowances provided in paragraph (a) through (d) above shall be paid to the Contractor in dollars or in the currency of the cooperating country in accordance with the practice prevailing at the Mission.

31. Travel and Transportation Expenses (Long Tour) (Dec. 1985)

(a) General.

Pursuant to paragraph (a) of Clause 10 of the General Provisions, when transportation is not provided by Government-issued TR for the items listed below, the Contractor shall procure his/her own transportation, the costs of which will be reimbursed in accordance with the following:

(1) International Travel.

(i) International travel costs and allowances and stopovers for authorized dependents shall be reimbursed on the same basis as for the Contractor under General Provision Clause No. 10(b)(2)(i) of this Contract except that travel allowances for such dependents shall be at the rate of $6 per day for persons 11 years of age or over and $3 per day for persons under 11 years of age payable for not more than the travel time required by scheduled economy class commercial air carrier using the most expeditious route and computed in accordance with the Federal Travel Regulations, as from time to time amended.

(ii) 1. All international ocean transportation of things which is to be reimbursed in U.S. dollars as authorized under this Contract shall be by U.S.-flag vessels to the extent they are available. When U.S.-flag vessels are not available, or their use would result in a significant delay, the Contractor may request a release from this requirement from M/SER/AAM, Transportation Division, Agency for International Development, Washington, DC 20523, giving the basis for the request.

2. All international air transportation of dependents shall be in accordance with General Provision 11, entitled "Preference for U.S. Flag Air Carriers.".

(b) Limitation on Travel Dependents.

Travel costs and allowances will be allowed for authorized dependents of the Contractor and such costs shall be reimbursed for travel from place of abode in the United States to assigned station in the cooperating country and return, only if the dependent remains in the cooperating country for at least 9 months or one-half of the required tour of duty of the Contractor, whichever is greater, except as otherwise authorized hereunder for education, medical, or emergency visitation travel.

(c) Delays En Route.

Dependents may be granted reasonable delays en route, not circuitous in nature, while in travel status, caused by events beyond the control of such dependents.

(d) Travel by Privately Owned Automobile (POV).

Notwithstanding paragraph (b)(2)(vii) of Clause 10 of the General Provisions, if travel by POV is authorized in the Schedule or approved by the Contracting Officer, the Contractor shall be reimbursed for the cost of travel in his/her privately owned automobile at the rate per mile equal to the rate authorized a U.S. Government employee in equivalent circumstances, plus authorized per diem for the Contractor and for each of the authorized dependents traveling in the automobile if the automobile is being driven in connection with (1) authorized orientation, (2) authorized duties under this Contract, or (3) en route to or from the cooperating country as authorized in the Schedule; provided that the total cost of the mileage and the per diem paid to all authorized travelers shall not exceed the total constructive cost of fare and normal per diem for all authorized travelers by (i) surface common carrier or (ii) less-than-first-class air, whichever is less.

(e) Emergency and Irregular Travel and Transportation.

Notwithstanding the provisions of paragraph (b)(2)(viii) of Clause 10 of the General Provisions, actual transportation costs and travel allowances while en route, as provided in this section, will also be reimbursed under the following conditions:

(1) Subject to the prior written approval of the Mission Director, the costs of going from post of duty in the cooperating country to the United States or other approved location for the Contractor and authorized dependents when, because of reasons or conditions beyond his/her control, the Contractor has not completed his/her required service in the cooperating country or the dependent must leave the cooperating country. The Mission Director may also authorize the return to the cooperating country of such Contractor and/or his/her authorized dependents.

(2) It is agreed that paragraph (e)(1) above, includes but is not necessarily limited to the following:

(i) Need for medical care beyond that available within the area to which Contractor is assigned.

(ii) Serious effect on physical or mental health if residence is continued at assigned post of duty.

(iii) Serious illness, injury, or death of a member of a Contractor's immediate family or a dependent. Travel may be authorized in accordance with emergency visitation travel granted to U.S.-citizen direct-hire employees and their dependents under Chapter 699 of the Standardized Regulations (Government Civilians, Foreign Areas).

(iv) Emergency evacuation when ordered by the principal U.S. Diplomatic Officer in the cooperating country. Transportation and travel allowances at safe haven and the transportation of household effects and automobile or storage thereof when authorized by the Mission Director, shall be payable in accordance with established Government regulations.

(v) Preparation and return of the remains of a deceased Contractor or his/her dependents.

(f) Transportation of Motor Vehicles, Personal Effects, and Household Goods.

(1) General.

Transportation, including packing and crating costs, will be paid for shipment from Contractor's residence in the United States or other location (provided that the cost of transportation does not exceed the cost from the Contractor's residence) to post of duty in the cooperating country and return to the Contractor's residence in the United States or other location (provided that the cost of transportation does not exceed the cost to the Contractor's residence), (i) of one privately owned motor vehicle for the Contractor subject to the restrictions contained in paragraph (h) below, (ii) of personal effects of the Contractor, and (iii) of household goods of Contractor not to exceed the following limitations:

	Basic household furniture not supplied (pounds net weight)	Basic household furniture supplied (pounds net weight)
Contractor with dependents in cooperating country	18,000	7,200
Contractor without dependents in cooperating country	18,000	7,200

Note.—For the purpose of this Clause, "net weight" and "gross weight" are defined and determined in accordance with the provisions of Section 162.1 of the Uniform Foreign

Affairs Regulations, (for State/AID/USIA Commerce, and Agriculture).

The cost of transporting motor vehicles and household goods shall not exceed the cost of packing, crating, and transportation by surface common carrier. In the event that the carrier does not require boxing or crating of motor vehicles for shipment to the cooperating country, the cost of boxing or crating is not reimbursable. The transporatation of a privately owned motor vehicle for a Contractor may be authorized as a replacement of the last such motor vehicle shipped under this Contract for such Contractor when the Mission Director determines, in advance, and so notifies the Contractor in writing, that the replacement is necessary for reasons not due to the negligence or malfeasance of the Contractor. The determination shall be made under the same rules and regulations that apply to authorized Mission U.S.-citizen direct-hire employees.

(2) Unaccompanied Baggage.

The Contractor will be reimbursed for costs of shipment of unaccompanied baggage (in addition to the weight allowance above for household effects) not to exceed the following:

	Gross weight (pounds)
Employee	250
First dependent traveling	200
Second dependent traveling	150
Each additional dependent traveling	100

This unaccompanied baggage may be shipped as air freight by the most direct route between authorized points of origin and destination regardless of the modes of travel used.

Unaccompanied baggage is considered to be those personal belongings needed by the traveler immediately upon arrival at destination.

(3) Reduced Rates on U.S.-Flag Carriers.

Reduced rates on U.S.-flag carriers are in effect for shipments of household goods and personal effects of AID Contractors between certain locations. These reduced rates are available provided the shipper furnishes to the carrier at the time of the issuance of the Bill of Lading documentary evidence that the shipment is for the account of AID. The Contracting Officer will, on request, furnish to the Contractor current information concerning the availability of a reduced rate with respect to any proposed shipment. The Contractor will not be reimbursed for shipments of household goods or personal effects in amounts in excess of the reduced rates which are available in accordance with the foregoing.

(g) Storage of Household Effects.

(1) The cost of storage charges (including packing, crating, and drayage costs) in the United States of household goods of the Contractor will be reimbursed, in lieu of transportation of all or any part of such goods to the cooperating country under paragraph (f) above, provided that (1) the total amount of household goods shipped to the cooperating country and stored in the United States shall not exceed 18,000 pounds net for each Contractor employee regardless of family status, and (2) at least 200 pounds net of household effects will be stored; quantities of less than 200 pounds net stored will not be reimbursed.

(2) Storage of items of high value (items that exceed $1,000 in value, that are irreplaceable or one of a kind, and that have a definite monetary or insurable value), such as clothing, rugs, tapestries, paintings, other works of art and that have special storage requirements, is also reimbursable. If requested by the Contractor and approved by the Contracting Officer, after receipt (from the Contractor), of an itemized inventory of the items to be stored, the request for reimbursement shall be processed on the same basis as for AID U.S. citizen direct-hire employees in accordance with Handbook 22, Appendix 9A.

(h) Transportation of Foreign-Made Motor Vehicles.

Reimbursement of the costs of transporting a foreign (non-U.S.) made motor vehicle will be made in accordance with the provisions of the Uniform State/AID/USIA Foreign Service Travel Regulations, as from time to time amended, on the same basis as a U.S. Government employee.

(i) Home Leave Travel.

The Contractor shall be reimbursed for the cost of travel performed by Contractor and dependents for purposes of home leave, provided that such reimbursement does not exceed that authorized by the Uniform State/AID/USIA Foreign Service Travel Regulations.

(j) Rest and Recuperation Travel.

If approved in writing by the Mission Director, the Contractor and his/her dependents shall be allowed rest and recuperation travel on the same basis as authorized U.S.-citizen direct-hire Mission employees and their dependents.

32. Orientation and Language Training (Long Tour) (Dec. 1985)

(a) Except as set forth in paragraph (b) (4) below, the Contractor shall receive a maximum of 2 weeks AID orientation before travel overseas. The dates of orientation shall be selected by the Contractor and approved by the Contracting Officer from the orientation schedule provided by AID.

(b) As either set forth in the Contract Schedule, or provided in writing by the Contracting Officer, the following may be authorized taking into consideration specific job requirements, Contractor's prior overseas experience, or unusual circumstances, in connection with orientation of individual Contractors:

(1) Modification orientation,

(2) Language training,

(3) Orientation for Contractor's dependents at Contract expense,

(4) Waiver of orientation for individual Contractor.

(c) Transportation costs and travel allowances not to exceed one round trip from the Contractor's residence to place of orientation and return will be reimbursed, pursuant to Clause 10 of the General Provisions, entitled "Travel and Transportation Expenses," if the orientation is more than 50 miles from the Contractor's residence. Allowable salary costs during the period of orientation are also reimbursable.

33. Post of Assignment Privileges (Dependents) (Dec. 1985)

(a) Health room services of the same type that are normally provided to AID direct-hire U.S. citizen employees shall be available for U.S. citizen contractor employees and their authorized dependents (regardless of citizenship) at the post of duty. These services do not include hospitalization, or predeparture or end of tour medical examinations. The services do include such medications as may be available, immunizations and preventive health measures, diagnostic examinations and advice, emergency treatment, and home visits as medically indicated.

(b) Privileges such as the use of APO, PX's, commissaries and officers' clubs are established at posts abroad pursuant to agreements between the U.S. and host governments. These facilities are intended for and usually are limited to members of the official U.S. establishment including the Embassy, AID Mission, USIA, and the Military. Normally, the agreements do not permit these facilities to be made available to non-official Americans.

34. Termination (Long Tour) (Apr. 1985) (FAR 52.249-12)

The Government may terminate this contract at any time upon at least 15 days' written notice by the Contracting Officer to the Contractor. The

Contractor, with the written consent of the Contracting Officer, may terminate this contract upon at least 15 days' written notice to the Contracting Officer.

35. Section 13. FAR Clauses

The following FAR clauses are to be used along with the General Provisions, (Section 11), and when appropriate, the Additional General Provisions (Section 12), and shall be incorporated in each personal service contract by reference.

1. Inspection 52.246–5.
2. Examination of Records by Comptroller General 52.215–1.
3. Audit—Negotiation 52.215–2.
4. Privacy Act Notification 52.224–1.
5. Privacy Act 52.224–2.
6. Taxes—Foreign Cost Reimbursement Contracts 52.229–8.
7. Interest 52.232–17.
8. Assignment of Claims 52.232–23.
9. Protection of Government Buildings, Equipment, and Vegetation 52.237–2.
10. Notice of Intent to Disallow Costs 52.242–1.
11. Limitation of Cost 52.232–20.
12. Limitation of Funds 52.232–22.
13. Limitation of Liability—Services 52.246–25.

Dated: April 10, 1986.

John F. Owens,

Procurement Executive.

[FR Doc. 86–8853 Filed 4–21–86; 8:45 am]

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Tuesday
April 22, 1986

Part VIII

Department of Agriculture

Office of Grants and Program Systems

7 CFR Part 3201

Competitive Research Grants Program for Forest and Rangeland Renewable Resources; Administrative Provisions; Final Rule

DEPARTMENT OF AGRICULTURE

Office of Grants and Program Systems

7 CFR Part 3201

Competitive Research Grants Program for Forest and Rangeland Renewable Resources; Administrative Provisions

AGENCY: Office of Grants and Program Systems, USDA.

ACTION: Final rule.

SUMMARY: This document establishes Part 3201 of Title 7, Subtitle B, Chapter XXXII of the Code of Federal Regulations, for the purpose of administering the Competitive Research Grants Program for Forest and Rangeland Renewable Resources conducted under authority of section 5 of the Forest and Rangeland Renewable Resources Research Act of 1978, as amended (16 U.S.C. 1644). The issuance of this rule establishes the procedures to be followed annually in the solicitation of research grant proposals, the evaluation of such proposals, and the award of competitive research grants under this program.

EFFECTIVE DATE: April 22, 1986.

FOR FURTHER INFORMATION CONTACT: Terry J. Pacovsky, Chief, Grants Administrative Management, Office of Grants and Program Systems, U.S. Department of Agriculture, Room 112, Justin Smith Morrill Building, 15th and Independence Avenue, SW., Washington, DC 20251. (Telephone: (202) 475–5024.)

SUPPLEMENTARY INFORMATION:

Paperwork Reduction

Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)), the collection of information requirements contained in this rule has been approved under OMB Document No. 0525–0001.

Classification

This rule has been reviewed under Executive Order 12291, and it has been determined that it is not a major rule because it does not involve a substantial or major impact on the Nation's economy or on large numbers of individuals or businesses. There will be no major increase in cost or prices for consumers, individual industries, Federal, State, or local governmental agencies, or geographic regions. It will not have a significant economic impact on competitive employment, investment, productivity, innovation, or on the ability of U.S. enterprises to compete with foreign-based enterprises in domestic or export markets. In addition, it will not have a significant impact on a substantial number of small entities as defined in the Regulatory Flexibility Act, Pub. L. 96–534 (5 U.S.C. 601).

Regulatory Analysis

Not required for this rulemaking.

Environmental Impact Statement

This regulation does not significantly affect the environment. Therefore, an environmental impact statement is not required under the National Environmental Policy Act of 1969.

Catalog of Federal Domestic Assistance

This program/activity is scheduled to appear in the 1986 edition of the Catalog of Federal Domestic Assistance as 10.213, Competitive Research Grants Program for Forest and Rangeland Renewable Resources. For the reasons set forth in the Final rule related Notice to 7 CFR Part 3015, Subpart V, 48 CFR 29115, June 24, 1983, when the authority to administer this program resided in the Forest Service, this program/activity is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Background and Purpose

Under the authority of section 5 of the Forest and Rangeland Renewable Resources Research Act of 1978, as amended, the Secretary of Agriculture is authorized to make competitive research grants to further research activities related to the protection, management and utilization of forest and rangeland renewable resources to Federal, State, and other governmental agencies, public or private agencies, institutions, universities, and organizations, and businesses and individuals in the United States.

This rule establishes Part 3201 of Title 7, Subtitle B, Chapter XXXII of the Code of Federal Regulations, for the purpose of administering the Competitive Research Grants Program for Forest and Rangeland Renewable Resources.

On February 25, 1986, the Department published a Notice in the **Federal Register** (51 FR 6696) proposing the establishment of this regulation and inviting comments from interested individuals and organizations. Comments were requested by March 27, 1986. No comments were received.

List of Subjects in 7 CFR Part 3201

Grant programs—agriculture, Grant administration.

The Department therefore amends Title 7, Subtitle B, Chapter XXXII of the Code of Federal Regulations by adding Part 3201 to read as follows:

CHAPTER XXXII—OFFICE OF GRANTS AND PROGRAM SYSTEMS, DEPARTMENT OF AGRICULTURE

PART 3201—COMPETITIVE RESEARCH GRANTS PROGRAM FOR FOREST AND RANGELAND RENEWABLE RESOURCES

Sec.

Authority: Sec. 5 of the Forest and Rangeland Renewable Resources Act of 1978, as amended (16 U.S.C. 1644).

§ 3201.1 Applicability of regulations.

(a) The regulations of this part apply to competitive research grants awarded under the provisions of section 5 of the Forest and Rangeland Renewable Resources Research Act of 1978, as amended (16 U.S.C. 1644), to Federal, State, or other governmental agencies, public or private agencies, institutions, universities, and organizations, and businesses and individuals in the United States. The Secretary, or his or her designee, shall determine and announce, through publication of a Notice in the **Federal Register** each year, research program areas for which proposals will be solicited to the extent that funds are available. Research under this program will be in those areas having a significant impact on the protection, management and utilization of forest and rangeland renewable resources.

(b) The regulations of this part do not apply to research grants awarded under any other authorization.

§ 3201.2 General regulations.

For purposes of this part, the provisions found at Part 3200 of this chapter, excluding the provisions listed in paragraphs (a) through (e) of this section, are applicable to the administration of this research program.

(a) Section 3200.1.

(b) Section 3200.3(a).

(c) Section 3200.4(c).

(d) The material found in the second sentence of § 3200.6(c)(3) beginning with "the results of which" and ending with "food and agricultural sciences."

(e) The parenthetical phrase in the last sentence of § 3200.7(c).

§ 3201.3 Eligibility requirements.

Except where otherwise prohibited by law, any Federal, State or other governmental agency, public or private agency, institution, university, or

organization, and business or individual in the United States shall be eligible to apply for and receive a project grant under this part, provided that the applicant qualifies as a responsible grantee under the criteria set forth in § 3200.3(b).

§ 3201.4 Signatures required on grant application.

(a) Any research proposal submitted by an agency, institution, university, organization, or business must be signed by the principal investigator(s) and endorsed by the authorized organizational representative who possesses the necessary authority to commit the organization's time and other relevant resources.

(b) Any research proposal submitted by an individual who lacks organizational affiliation need only be signed by the principal investigator.

Done at Washington, DC, this 15th day of April 1986.

John Patrick Jordan,

Acting Administrator, Office of Grants and Program Systems.

[FR Doc. 86-8870 Filed 4-21-86; 8:45 am]

BILLING CODE 3410-MT-M

Federal Register

Tuesday,
April 22, 1986

Part IX

Department of Education

34 CFR Parts 617 and 619

Postsecondary Education; Graduate Academic Facilities Program; Proposed Rule

DEPARTMENT OF EDUCATION

34 CFR Parts 617 and 619

Graduate Academic Facilities Program

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes new regulations to govern the Graduate Academic Facilities Program. The regulations are needed to reflect statutory changes made in the program and to implement the program as authorized under Title VII–B of the Higher Education Act. The proposed regulations would establish eligibility conditions, selection criteria, and other terms and conditions for applicants or recipients of grants under this program.

DATE: Comments must be received on or before May 22, 1986.

ADDRESS: All comments concerning these proposed regulations should be addressed to Charles I. Griffith, Director, Division of Higher Education Incentive Programs, Office of Higher Education Programs, Office of Postsecondary Education, U.S. Department of Education, (Room 3022, ROB–3), 400 Maryland Avenue SW., Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Charles I. Griffith. Telephone (202) 245–3253.

SUPPLEMENTARY INFORMATION: This program was originally authorized by the Congress under Title II of the Higher Education Facilities Act of 1963. It has been reauthorized and re-established in Title VII–B of the Higher Education Act by the Education Amendments of 1972, 1976, and 1980. The Congress has not generally appropriated funds for this program since 1970. Essentially, Title VII–B of the Higher Education Act (20 U.S.C. 1132c) authorizes a program of construction assistance grants to graduate institutions of higher education. Recipients under this program use their grants for certain construction improvements of graduate academic facilities or for the acquisition of special research equipment at such facilities.

Current regulations for this program were promulgated in April 1980 (45 FR 28666–83) and are codified at 34 CFR Part 617, Subpart C. These regulations, however, were promulgated before the Congress made sweeping statutory changes in program operations when it enacted the Education Amendemnts of 1980 in October 1980. The Secretary proposed regulations for this program and its three other related construction assistance programs in December 1980, (45 FR 86341–59), when funds for these programs were appropriated by the Congress. These proposed regulations would have incorporated the statutory changes in the program made by the Education Amendments of 1980, but because the Congress later rescinded its appropriation, the Secretary decided not to issue final regulations.

In fiscal years 1985 and 1986, the Congress appropriated funds for this program, and in light of those appropriations, the Secretary has decided to propose new regulations for this program. Applicable legislation directs that construction assistance grants under this program chiefly enable eligible recipients to make construction improvements for new or existing facilities so that these facilities would—

- Economize on the use of energy resources;
- Comply with the Architectural Barriers Act of 1968, section 504 of the Rehabilitation Act of 1973, or other environmental protection or health and safety laws, if such requirements were not in effect at the time such facilities were constructed;
- Improve research facilities, including libraries, and acquire Special research equipment;
- Accommodate unusual increases in enrollment; or
- Detect, remove, or contain asbestos hazards.

As directed by applicable legislation, the Secretary has obtained the advice and recommendations of a panel of specialists from the higher education community. This panel issued a number of informal recommendations to the Secretary, respecting selection criteria and other matters, most of which have been incorporated in these proposed regulations.

Under the terms of the Department's Appropriation Acts for 1985 and 1986, the Congress directed the Secretary to make the appropriated funds available to both undergraduate and graduate institutions of higher education, not just graduate institutions. Although the proposed regulations are drafted on the basis of the "permanent" legislation which authorizes eligibility for graduate institutions only, the Secretary's competiton for fiscal year 1985 and 1986 grant funds will be open to all institutions of higher education. However, the Administration has requested that the funds for fiscal year 1986 be rescinded. Information about the grant competition for this program will be published in an application notice after the proposed regulations are promulgated in final form.

The Education Amendments of 1980 continue to authorize grants for the construction, reconstruction, and renovation of graduate academic facilities. However, as a result of changes in the statutory changes enacted by the Congress in October 1980 (20 U.S.C. 1132a and 1132c). The propose regulations, 34 CFR Part 619 replace Subpart C, 34 CFR Part 617 of the program's existing regulations published on April 29, 1980. Major changes in the proposed regulations include: the primary purposes for which grant funds may be used; the inclusion of a limitation of 12.5 per centum that can be made to institutions of higher education in a State, in any single fiscal year; the inclusion of a limitation on the amount of a grant which may not exceed 50 per centum of the project's development cost; the elimination of cooperative graduate center boards from program eligibility; the elimination of awards for model intercultural programs designed to integrate the educational requirements of substantive knowledge and language proficiency; changes in definitions of program terms; and, selection criteria for funding program applications. The proposed regulations also permit the Secretary to establish annual priorities for the program.

Executive Order 12291

These proposed regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for a major regulations established in the Order.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations will not have a significant economic impact on a substantial number of small entities. The small entities affected by these regulations are small institutions of postsecondary education. These regulations describe the program and establish minimal application requirements. They will not have a significant economic impact on the institutions affected.

Paperwork Reduction Act of 1980

These proposed regulations do not contain any information collection requirements and are, therefore, not subject to the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) which govern such requirements.

Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding the proposed regulations. The Secretary particularly invites comments

on the definitions of terms (Subpart A, § 619.4) and on the selection criteria and related weighting factors (Subpart D, §§ 619.30 through 619.36). All comments submitted in response to these proposed regulations will be available for inspection, during and after the comment period, in Room 3022, Regional Office Building #3, 7th and D Streets SW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, the Secretary invites comment on whether there may be further opportunities to reduce any regulatory burdens found in these proposed regulations.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 619

Academic facilities, Colleges and universities, Construction, reconstruction, and renovation, Equipment, Research.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these proposed regulations.

(Catalog of Federal Domestic Assistance Number 84.172—Construction, Reconstruction, and Renovation of Academic Facilities)

Dated: April 18, 1986.

William J. Bennett,

Secretary of Education.

The Secretary proposes to amend Title 34 of the Code of Federal Regulations by removing Subpart C of Part 617, and adding a new Part 619 as follows:

PART 617—FINANCIAL ASSISTANCE FOR CONSTRUCTION, RECONSTRUCTION, OR RENOVATION OF HIGHER EDUCATION FACILITIES

1. The authority citation for Part 617 is revised to read as follows:

Authority: 20 U.S.C. 1132a–1132e–1, unless otherwise noted.

2. Part 617 is amended by removing Subpart C, and the table of contents of Part 617 is amended accordingly.

3. A new Part 619 is added to read as follows:

PART 619—GRANTS FOR CONSTRUCTION, RECONSTRUCTION, AND RENOVATION OF GRADUATE ACADEMIC FACILITIES.

Subpart A—General

Sec.

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

Subpart C—How Does One Apply for a Grant?

Subpart D—How Does the Secretary Make a Grant?

Subpart E—How Does the Secretary Determine the Amount of the Grant Award?

Subpart F—What Conditions Apply to Awards Under the Program?

Authority: 20 U.S.C. 1132a–1132e–1, unless otherwise noted.

Subpart A—General

§ 619.1 What is the Graduate Academic Facilities Program?

The Graduate Academic Facilities Program provides grants to graduate institutions of higher education for the construction, reconstruction, and renovation of graduate academic facilities or, in some cases for the acquisition of special research equipment. The grants may be used for new or existing academic facilities if the primary purpose of the project is to carry out one or more of the kinds of projects described in § 619.10.

(**Authority:** 20 U.S.C. 1132c)

§ 619.2 Who is eligible to apply for a grant under the Graduate Academic Facilities Program?

Graduate institutions of higher education are eligible to apply for grants under this program.

(**Authority:** 20 U.S.C. 1132c)

§ 619.3 What regulations apply to the Graduate Academic Facilities Program?

The following regulations apply to this program:

(a) The Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 75, (with the exception of § 75.217 and §§ 75.219 through 75.222), 77, and 78.

(b) The regulations in this Part 619.

(**Authority:** 20 U.S.C. 1132)

§ 619.4 What definitions apply to the Graduate Academic Facilities Program?

(a) *Definitions in EDGAR.* The following terms used in this part are defined in EDGAR, 34 CFR Part 77.1:

Applicant
Application
Award
Budget
Department
EDGAR
Facilities
Fiscal year
Grant
Grantee
Nonprofit
Private
Public
Recipient
Supplies
Secretary
Work of art.

(b) *Revised EDGAR definitions.* The following terms defined in EDGAR, 34 CFR Part 77.1, are redefined for this part as follows:

"Acquisition" means taking ownership of property through purchase at fair market value.

"Equipment" means machinery, fixtures, and other items necessary for maintenance and operation of a facility, except books, computer software, instructional materials, and items involving current and operating expenses such as fuel, supplies, and serviceable parts. Equipment may consist of—

(1) "Built-in equipment", which includes permanent nonmovable fixtures to a facility;

(2) "Initial equipment", which includes items necessary for installation in connection with construction of a facility;

(3) "Movable equipment", which includes movable fixtures and furniture necessary and appropriate for the functioning of an academic facility taking into account the specific purposes of the facility; and

(4) "Special research equipment", which includes equipment used in connection with a reseach program at graduate institutions of higher education.

"Project" means the construction activity or the acquisition of special research equipment that is proposed for funding by an applicant for assistance under this program.

(c) *Other definitions that apply to this part.* The following definitions also apply to this part:

"Academic facilities" means buildings or structures necessary and appropriate for instruction of students, for research, or for administration of educational programs and student and faculty services at an institution of higher education. Academic facilities include instructional and library facilities, instruction-related facilities, and related supporting facilities, but do not include facilities, such as—

(1) Dormitories, residence halls, or similar facilities designed for residence or habitation;

(2) Infirmaries or similar facilities designed for outpatient care;

(3) Facilities intended for events for which admission is to be charged the general public;

(4) Gymnasiums, stadiums, swimming pools, student centers, or other similar facilities designed for athletic or recreational activities;

(5) Facilities used for religious worship or sectarian activities, or used in connection with a program conducted by a school or department of divinity; or

(6) Facilities used by a school of medicine, school of dentistry, school of osteopathy, school of pharmacy, school of optometry, school of podiatry, school of nursing, or school of public health, unless the facilities—

(i) Are owned, operated, and maintained by a parent or affiliated institution of higher education which exercises corporate control over the particular school;

(ii) Require conversion or modernization of energy utilization techniques to economize on the use of energy resources; and

(iii) Support activities, services, or structures maintained by a parent or an affiliated institution of higher education.

"Act" means the Higher Education Act of 1965, as amended. Unless otherwise indicated, references to titles in the regulations in this part are to titles of the Act.

"Assignable area" means the square footage of floor space in facilities which is designed and available for assignment to specific functional purposes, such as instruction, research, and administration, but does not include—

(1) Areas used for general circulation within a building;

(2) Areas for public washrooms;

(3) Areas for building maintenance or custodial services; or

(4) Areas in central maintenance and utility facilities that exist only to support the operation and use of other structures on the campus and that are not available for assignment to specific functional purposes.

"Branch campus" means, within an institution of higher education, a unit that—

(1) Is separately organized;

(2) Is located apart from the parent institution;

(3) Meets the definition of an institution of higher education under the Act as an independent unit; and

(4) Has its own Federal Interagency Committee on Education (FICE) identification number.

"Capacity/enrollment ratio" means—

(1) The ratio of the assignable area of instructional and library facilities to the total student clock-hour enrollment at the campus of an institution, and

(2) For purposes of this definition, "student clock-hour enrollment" means the aggregate clock hours (sometimes called contact hours) per week in classes or supervised laboratory or shop work of those students enrolled in credit courses—i.e., attending credit courses at the institution's campus. A campus having formally established independent study programs may include systematically determined equivalents of credit hours but only include those hours when the relevant facility is being used by those students.

"Construction" means the erection of new structures, the rehabilitation, conversion, or improvement of existing structures, or the acquisition of existing structures and land thereunder.

"Eligible development costs" means the amount of necessary and reasonable expenses that would be incurred by construction of a project and that would be subject to reimbursement under this program, excluding any expenses reimbursed under any other Federal construction grant and any non-Federal funds required to be expended as a condition for the grant.

"FTE student" means full-time-equivalent student, as that term is defined for the Higher Education General Information Survey (HEGIS).

"Graduate institution" means an institution of higher education within the meaning of section 1201(a) of the Act that provides at least one post-baccalaureate program of study leading to an advanced degree.

"Other facilities used by students" means, in connection with projects relating to asbestos hazards, any campus facilities used by students, even if those facilities are ineligible for Federal assistance under this program.

"Research facilities, including libraries" means academic facilities used in connection with research programs at graduate institutions of higher education.

"Research program" means an organized activity which has as its primary objective the creation, organization, and dissemination of new knowledge or technology. It embraces only those activities designed to produce research outcomes commissioned by an agency either external to the institution or authorized by an organizational unit within the institution. It does not include research funded from the instructional budget of the institution.

"Unusual increases in enrollment" means an increase in full-time-equivalent enrollment of at least 100 full-time-equivalent students and an increase of more than 10 percent of FTE enrollment over a period of three years going back to the fall term beginning three years prior to the filing date for applications.

(**Authority:** 20 U.S.C. 1132a, 1132d-1, 1132e, 1132e-1)

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

§ 619.10 What kinds of projects are funded under the program?

(a) Funds are awarded for projects which enable graduate institutions of higher education to—

(1) Economize on the use of energy resources;

(2) Comply with the requirements of—

(i) The Architectural Barriers Act of 1968;

(ii) Section 504 of the Rehabilitation Act of 1973; or

(iii) Other Federal, State or local laws dealing with environmental protection or health and safety, if the laws impact on facilities after they were constructed;

(3) Detect, remove, or contain asbestos hazards;

(4) Accommodate unusual increases in enrollment; or

(5) Improve research facilities, including library facilities, and acquire special research equipment.

(b) In order for facilities to be eligible for assistance under paragraph (a)(2)(iii) and (a)(3) of this section, the applicant must submit with its application satisfactory evidence to demonstrate that the degree of non-compliance with legal requirements, and the degree of threat from, and exposure to, asbestos hazards, pose a significant threat to the health and safety of the students.

(Authority: 20 U.S.C. 1132c)

§ 619.11 What are the funding priorities?

The Secretary may announce from among those categories listed in 34 CFR § 619.10 funding priorities under this program in any given fiscal year through a notice published in the **Federal Register.**

(Authority: 20 U.S.C. 1132a-1132-1)

Subpart C—How Does One Apply for a Grant?

§ 619.20 What limitations apply to the number of applications that may be submitted?

An applicant may submit only one application for assistance under this program in any given fiscal year. The Secretary considers as a separate applicant a branch campus of a multi-campus institution. If a project is funded by this program, the Secretary will not accept any future applications for funding for the same project.

(Authority: 20 U.S.C. 1132c)

Subpart D—How Does the Secretary Make a Grant?

§ 619.30 How are applications evaluated?

(a) The Secretary evaluates an application for a grant on the basis of—

(1) The general criteria in § 619.31 for all applicants; and

(2) The specific criteria in §§ 619.32 through 619.36 for applicants of particular categories of projects.

(b)(1) The Secretary awards up to a total of 100 points based on a maximum possible score of—

(i) 40 points for the general criteria in § 619.31; and

(ii) 60 points for the specific criteria in §§ 619.32 through 619.36, as applicable.

(2) The maximum possible score for each criterion is indicated in parentheses following the heading of that criterion.

(c) If a project includes two or more of the categories in § 619.10, the Secretary applies—

(1) The general criteria in § 619.31 (up to 40 points); and

(2) Each applicable set of specific criteria in §§ 619.32 through 619.36. The Secretary awards the average score (up to 60 points) received by the project under those sets of specific criteria.

The Secretary may award up to 25 additional points to each application that meets one or more priority categories established under §619.11. Subject to the 25-point limit, the Secretary may award a higher number of points to an application that addresses more than one priority category, and may award a lower number of points to an application that addresses both a priority and a nonpriority category. The Secretary announces the number of additional points for each priority category and type of application in a notice published in the **Federal Register.**

(e) The Secretary ranks all eligible applications in accordance with the total number of points each application receives in accordance with this section. Before making grants, the Secretary obtains the advice and recommendations of a panel of specialists who are competent in evaluating program applications. The Secretary may, based on the advice and recommendations of the panel, deviate from the initial rank order. Regular, full-time employees of the Federal Government may not be appointed as panel members.

(Authority: 20 U.S.C. 1132c)

§ 619.31 What selection criteria are used to evaluate existing academic facilities and financial need?

The Secretary evaluates each application for a grant under this program on the basis of the following criteria:

(a) *Use of existing academic facilities.* (Total: 10 points)

(1) The Secretary assesses the extent to which the applicant makes use of its existing academic facilities by considering the amount of assignable square feet in such facilities per FTE student.

(2) The Secretary assigns the highest scores to applicants with the smallest amount of square feet per FTE student.

(b) *Capacity/enrollment ratio.* (Total: 10 points)

(1) The Secretary further assesses the applicant's use of its existing academic facilities as reflected by the institution's capacity/enrollment ratio.

(2) The Secretary assigns the highest scores to applicants with the lowest capacity/enrollment ratio.

(c) *Financial Need.* (Total: 20 points)

(1) The Secretary considers the basic education and general annual expenditures per FTE student, based on data reported in the annual National Center for Education Statistics Survey, "Financial Statistics of Institutions of Higher Education," for the most recent year for which data are available.

(2) The Secretary assigns the highest scores to applicants with the lowest expenditure per FTE student.

(Authority: 20 U.S.C. 1132c)

§ 619.32 What selection criteria are used to evaluate conservation projects?

For projects based on energy conservation, the Secretary applies the following criteria:

(a) *Life cycle energy analysis.* (Total: 6 points)

(1) The Secretary considers whether the proposed project is based on a least-cost life cycle energy analysis that reflects the life cycle cost of the project over a twenty-year period.

(2) The Secretary awards six points for this criterion.

(b) *Integrated system design.* (Total: 6 points)

(1) The Secretary considers whether the proposed project exhibits an integrated system design, including a mix of energy sources and/or cogeneration systems, and/or other integrated system designs.

(2) The Secretary awards six points for this criterion.

(c) *Use of coal, solar energy, and renewable resources.* (Total: 8 points)

(1) The Secretary considers whether the proposed project promotes the use of coal, solar energy, or renewable resources.

(2) The Secretary awards eight points for this criterion.

(d) *Energy savings internal rate of return to the project.* (Total: 20 points)

(1) The Secretary considers the extent to which the proposed project is likely to provide a significant return in energy cost savings on the investment represented by the cost of the project.

(2) The internal rate of return is calculated on the basis of projected energy cost savings and the total cost of

the project, except for interior finishing and furnishing expenses (i.e. seating, blackboards, laboratory fixtures, etc.).

(3) Projected energy cost savings for renovation projects of existing buildings are the difference between—

(i) The average routine energy costs over the last three years, adjusted to current prices; and

(ii) Projected annual energy cost resulting from completion of the project.

(4) Projected energy cost savings for new construction are the difference between—

(i) The projected annual energy costs of a conventionally-designed building of the same kind as the one proposed (as calculated by an architectural engineering firm or consulting services firm); and

(ii) Projected annual energy costs resulting from the completion of a least-cost energy design project.

(5) The Secretary assigns the highest scores to applicants demonstrating the highest projected internal rates of return in energy cost savings.

(e) *Energy savings internal rate of return to the Federal investment share.* (Total: 20 points)

(1) The Secretary considers the extent to which the Federal investment in the proposed project is likely to provide a significant return in energy savings.

(2) The internal rate of return is calcaluted on the basis of the projected energy cost savings as determined under paragraph (d) of this section and the total Federal investment in the project.

(3) The Secretary assigns the highest scores to projects demonstrating the highest energy cost saving internal rates of return on the Federal investment.

(**Authority:** 20 U.S.C. 1132c)

§ 619.33 What selection criteria are used to evaluate the removal of architectural barriers, and environmental protection or health and safety programs mandated by law?

(a) For projects to remove architectural barriers to meet accessibility requirements which were not in effect at the time the facilities were constructed, the Secretary applies the following criteria:

(1) *Amount of assignable square feet of academic facilities to be made accessible by the project.* (Total: 30 points)

(i) The Secretary considers the amount of assignable square feet of academic facilities per FTE student to be made accessible to the handicapped by the project.

(ii) The Secretary assigns the highest scores to applicants with the largest amount of square feet to be made accessible per FTE student.

(2) *Percentage of assignable square feet of academic facilities to be made accessible by the project.* (Total: 30 points)

(i) The Secretary considers the percentage of assignable square feet of academic facilities to be made accessible to the handicapped by the project.

(ii) The Secretary assigns the highest scores to applicants with the largest percentage of square feet to be made accessible by the project.

(b) For reconstruction or renovation projects mandated by Federal, State, or local law, if those rquirements were not in effect at the time the facilities were constructed, the Secretary applies the following criteria:

(1) *Cost per FTE student.* (Total: 30 points)

(i) The Secretary considers the cost per FTE student of the applicant's compliance with the law.

(ii) The Secretary assigns the highest scores to applicants with the highest cost per FTE student.

(2) *Impact of the project.* (Total: 20 points)

(i) The Secretary considers the number of FTE students affected by the project.

(ii) The Secretary assigns the highest scores to applicants with the largest number of FTE students affected by the project.

(3) *Relative impact of the project.* (Total: 10 points)

(i) The Secretary considers both the number of FTE students affected by the project and the FTE enrollment of the institution.

(ii) The Secretary measures the relative impact of the project by dividing the number of FTE students affected by the project by the total number of FTE students enrolled, and assigns the highest scores to applicants with the highest relative impact.

(**Authority:** 20 U.S.C. 1132c(b); 1132a(2)(A) and (B)

§ 619.34 What selection criteria are used to evaluate the detection, removal, or containment of asbestos hazards?

For projects to detect, remove, or contain asbestos hazards, the Secretary applies the following criteria:

(a) *Amount of gross square feet of academic or other facilities with known or suspected asbestos hazards used by students.* (Total: 30 points)

(1) The Secretary considers the amount of gross square feet of academic or other facilities with known or suspected asbestos hazards per FTE student.

(2) The Secretary assigns the highest scores to applicants with the largest amount of square feet with known or suspected asbestos hazards per FTE student.

(b) *Estimated cost of detecting, removing, or containing asbestos hazards.* (Total: 30 points)

(1) The Secretary considers the estimated cost per FTE student of one or more of the following: detecting, removing, or containing asbestos hazards.

(2) The Secretary assigns the highest scores to applicants with the highest cost per FTE student.

(**Authority:** 20 U.S.C. 1132c(b); 1132(a)(5))

§ 619.35 What selection criteria are used to evaluate unusual increases in enrollment?

For projects based on unusual increases in enrollment, the Secretary applies the following criteria:

(a) *Increase in enrollment.* (Total: 30 points)

(1) The Secretary considers the extent of the actual numerical and percentage increases in FTE student enrollment at the institution or branch campus where construction would occur.

(2) The Secretary considers the increases over a three-year period starting with the fall semester that began three years preceding the most recent fall semester.

(3) The Secretary awards up to 15 points for the actual numerical increase and up to 15 points for the percentage increase, and assigns the highest scores to applicants with the largest increases in FTE student enrollment.

(b) *Increase in capacity.* (Total: 30 points)

(1) The Secretary considers the amount and percentage by which the project increases the assignable square feet of academic facilities at an institution.

(2) The Secretary awards up to 15 points for the actual numerical increase and up to 15 points for the percentage increase, and assigns the highest scores to applicants with the largest increases of assignable square feet of academic facilities per FTE student.

(**Authority:** 20 U.S.C. 1132c)

§ 619.36 What selection criteria are used to evaluate research facilities, including libraries, and the acquisition of special research equipment?

For projects based on research facilities, including libraries, and the acquisition of special research equipment, the Secretary applies the following criteria:

(a) *Institutional commitment to research programs.* (Total: 10 points)

(1) The Secretary considers the applicant's expenditures for research programs as a percentage of the applicant's average annual educational and general expenditures for graduate programs, as reported in the annual National Center for Education Statistics Survey, "Financial Statistics of Institutions of Higher Education," for the three most recent years for which data are available.

(2) The Secretary assigns the highest scores to applicants with the largest percentage of expenditures for research programs.

(b) *Age of special research equipment.* (Total: 10 points)

(1) The Secretary considers the percentage of the applicant's special research equipment which is more than five years old as of the opening of the fall semester preceding the application closing date.

(2) The Secretary assigns the highest scores to applicants with the largest percentage of special research equipment which is more than five years old.

(c) *Quality of existing research programs.* (Total: 10 points)

(1) The Secretary considers the quality of the applicant's existing research programs, in particular the adequacy of the existing research facilities and special research equipment, and the relevance of the proposed project to current research programs.

(2) A panel of specialists evaluates the quality of existing programs.

(d) *Increase in research capacity.* (Total: 10 points)

(1) The Secretary considers the extent to which the proposed project will increase the applicant's capacity for research or improve its existing research capacity.

(2) A panel of specialists evaluates the increase in research capacity.

(e) *Funding priorities.* (Total: 10 points)

(1) The Secretary considers the extent to which the proposed project improves the applicant's capacity for research in those academic disciplines, such as physical sciences and mathematics, engineering and environmental sciences, biological sciences, social sciences and education, and arts and humanities, which the Secretary, through a notice published in the **Federal Register**, establishes as priorities for the program in any given fiscal year.

(2) A panel of specialists evaluates the extent to which the project meets the Secretary's funding priorities.

(f) *Impact of project.* (Total: 5 points)

(1) The Secretary considers the extent to which the proposed project is likely to increase the capacity of the applicant to supply highly qualified personnel critically needed by the community, industry, and government for research and teaching.

(2) A panel of specialists evaluates the potential impact of the project.

(g) *Scope of project.* (Total: 5 points)

(1) The Secretary considers the extent to which the proposed project is likely to contribute significantly to the distribution of research programs of high quality throughout the United States.

(2) A panel of specialists evaluates the scope of the project.

(**Authority:** 20 U.S.C. 1132(b), 1132c, 1132a(3))

Subpart E—How Does the Secretary Determine the Amount of the Grant Award?

§ 619.40 What are the general rules for determining eligible development costs?

The Secretary determines eligible development costs by assessing the reasonableness and appropriateness of expenses that would be incurred by the project taking into account—

(a) The timing of when certain expenses would be incurred by the applicant; and

(b) The applicant's compliance with the regulations in this part.

(**Authority:** 20 U.S.C. 1132a, 1132c, 1132e-1)

§ 619.41 What are the specific rules for determining eligible development costs?

(a) An applicant selected to receive a grant under this program shall obtain from the Secretary a determination of eligible development costs before it may award any contract for construction or purchase any equipment that may later be financed with assistance under this program.

(b) The Secretary approves costs only after the Secretary or the appropriate official of another Federal agency has approved Federal assistance for the construction.

(c) The Secretary excludes the following from eligible development costs:

(1) Any costs for land incurred before the applicant files the application.

(2) Any cost for the acquisition of a structure incurred before the applicant files the application.

(3) Any costs for equipment, including special research equipment, incurred before the date the applicant files the application.

(4) Any cost for construction or built-in equipment if the contract was entered into before the date the applicant files the application.

(5) Any cost for ineligible facilities included in the total development costs.

(**Authority:** 20 U.S.C. 1132-1(3))

Subpart F—What Conditions Apply to Awards under this Program?

§ 619.50 What are the funding levels?

(a) An award of a construction grant under this program may not exceed 50 percent of the total eligible development costs.

(b) The Secretary does not award a construction grant for less than $25,000.

(c) The Secretary awards to institutions of higher education in any one State not more than 12.5 percent of the total funds available for grants under this program in any fiscal year.

(**Authority:** 20 U.S.C. 1132c)

§ 619.51 What are the financial considerations for approval or selection?

(a) The Secretary does not approve or select applications from institutions that are in default on a construction loan previously made under Part C of Title VII of the Act or Title IV of the Housing Act of 1950, whether or not the Secretary has agreed to any deferment, or in default of any other obligation made under any other Federal program.

(b) The Secretary does not approve or select applications from institutions that are financially insolvent.

(**Authority:** 20 U.S.C. 1132c)

§ 619.52 Must the grant award instrument be recorded?

A grantee under this program shall record its grant award instrument in the appropriate land registry records.

(**Authority:** 20 U.S.C. 1132c)

§ 619.53 What are the conditions for the recovery of payments?

The recipient or its successor shall pay to the Secretary an amount which bears to the value of the facility at that time the same ratio as the amount of the grant bore to the original cost of the facility, if, within twenty years after completion of construction of an academic facility under this program, a grant recipient or its successor in title or possession ceases to be a public or nonprofit institution, or the facility ceases to be used as an eligible academic facility, unless the Secretary determines that there is good cause for releasing the recipient or its successor from its obligation.

(**Authority:** 20 U.S.C. 1132e)

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S.J. Res. 261/Pub. L. 99–274

To designate the week of April 14, 1986, through April 20, 1986, as "National Mathematics Awareness Week." (Apr. 17, 1986; 100 Stat. 393; 1 page) Price: $1.00

S.J. Res. 136/Pub. L. 99–275

To authorize and request the President to issue a proclamation designating the calendar week beginning with Sunday, April 13, 1986, as "National Garden Week." (Apr. 18, 1986; 100 Stat. 394; 1 page) Price: $1.00

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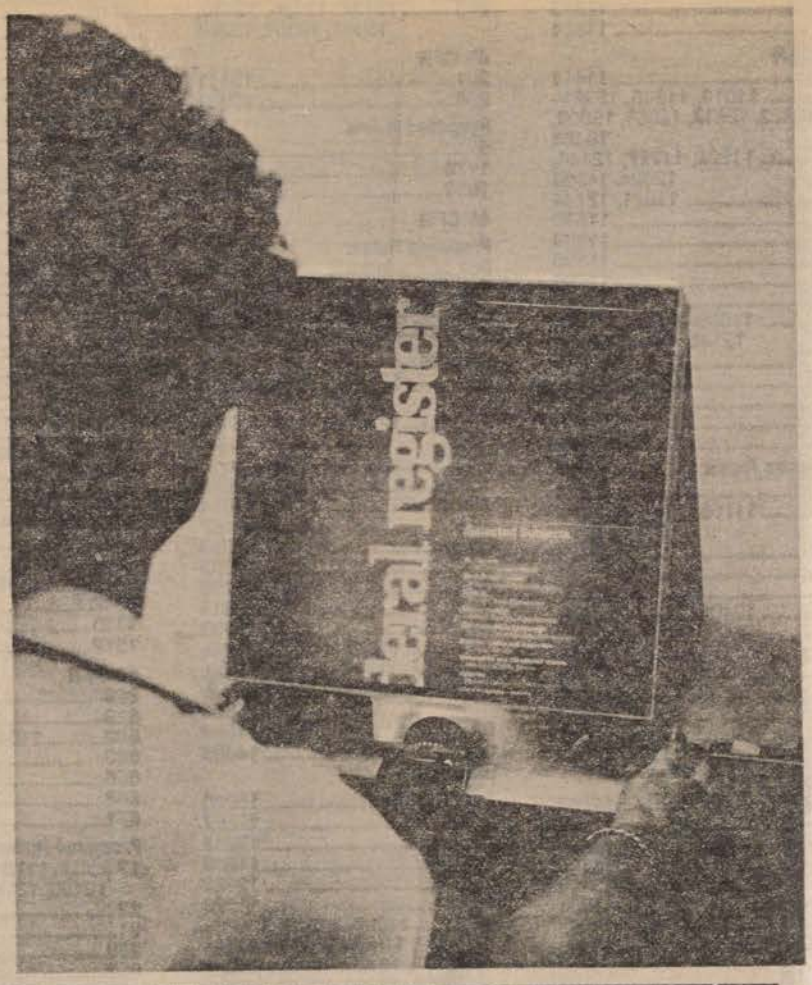

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